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# STATE PAPERS OF VERMONT

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VOLUME THREE

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## JOURNALS AND PROCEEDINGS (VOL. I) OF THE GENERAL ASSEMBLY OF THE STATE OF VERMONT

MARCH, JUNE AND OCTOBER SESSIONS, 1778; FEBRUARY, JUNE  
AND OCTOBER SESSIONS, 1779; MARCH AND OCTOBER  
SESSIONS, 1780; FEBRUARY, APRIL AND  
JUNE SESSIONS, 1781; WITH  
EXPLANATORY NOTES.

*Published by Authority*

*By*

AARON H. GROUT

SECRETARY OF STATE

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## EDITOR'S NOTE

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In pursuance of a legislative policy providing for the publication from time to time of State Papers relating to the early history of Vermont, the General Assembly in 1923 appropriated the sum of \$2,000 annually for the biennial period, 1923-1925. Owing to the fact that the Journals of the General Assembly from the organization of the State Government to the year 1783 never had been published (or if a few copies were published not one copy was preserved), it was deemed wise to print these important papers in two volumes, with explanatory notes, thus making available details of early State history hitherto available only to historical scholars who might consult the original manuscript copy of the Journals.

The spelling, capitalization, punctuation and paragraphing have been preserved in order that the original style of the Journals may be presented to the reader. Where names of towns have been changed, or names or words are incorrectly spelled in a manner likely to confuse or mislead the reader, corrections have been inserted in brackets. In editing these Journals the intention has been to preserve the original text exactly as written, making insertions in brackets only where they were necessary to clarify the meaning of the original document. The footnotes are designed to aid the reader in understanding more clearly the Vermont history of the period, and to save the necessity of a frequent consultation of works of reference. The editor desires to acknowledge the aid given in this work by James B. Wilbur of Manchester, student of Vermont history, and Rawson C. Myrick of Montpelier, Deputy Secretary of State.

WALTER H. CROCKETT,  
*Editor.*

Burlington, Vermont.



## INTRODUCTION

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The Journals of the General Assembly of Vermont, from its first session, which was held at Windsor, Vermont, in March, 1778, to and including the October, 1783, session, are included in these volumes. Being authorized by the State and issued by the Secretary of State, they constitute, with the possible exception of some of the Journals for 1778, the first official printing of these records. To the late Secretary of State, Harry A. Black, is due the credit for having the necessary funds provided by the Legislature with which to continue the publication of State papers having to do with the early history of Vermont. Aaron H. Grout, the present Secretary of State, (1924) selected the material for publication and proposed the form in which the Journals appear. Edited by Vermont's historian, Walter H. Crockett, they become valuable historical records. No comprehensive and intelligent understanding can be had of the early history of this State, without the perusal of these Journals.

In the account presented by Judah P. and Alden Spooner, the State printers, in June, 1779, is an item dated November 10, 1778, for printing "200 Journals of Assembly, £45-0-0." This bill was paid by Ira Allen, State Treasurer, on June 3, 1779, so it may be fairly presumed that some of the Journals for that year were officially printed; however, no copy has ever been located. Owing to the fact that the "Votes," Resolves and Acts passed at the three sessions in 1778 were only temporary and also that during at least one of the sessions, representatives from several towns in New Hampshire voted on all questions, it is possible that all these Journals were destroyed between November 10, 1778 and February, 1779, when the "Union" between Vermont and sixteen towns in New Hampshire was dissolved. One other bill was paid to the Spooners by the State Treasurer, dated April 3, 1779, for "Printing 60 votes of Assembly, £10-0-0." It is my opinion that this charge was made for printing the proceedings of October 21, 1778, when the New Hampshire members of the Assembly were voted "out" and withdrew from the House. The Assembly voted October 21, 1778, to have the proceedings of that day printed. No other bills have been found for printing any other of the Journals herein contained.

In 1823, a volume of 567 pages, "Vermont State Papers," was compiled and published by William Slade, Jr., Secretary of State, who was born in 1786. This was authorized and paid for by the State. In his introduction, Slade wrote, "Every government, therefore, should possess and should place within the reach of the people, a complete history of its own legislation. \*\*\* The early institutions of a government are peculiarly liable to be lost sight of, in the progress of improvement. Superseded by new systems, they are supposed to have lost their value

and are permitted to pass into oblivion. This has been in a peculiar sense true of the original Constitution and laws of Vermont<sup>1</sup>. Thirty-five years only have elapsed since that revision [1787] and not a single entire copy of the laws passed previous to that time is to be found." This is a remarkable statement as we have now located, with two minor exceptions (laws passed April, 1781, 2 pages, (first portion) and October 27, 1781, 1 page) all the laws printed from February, 1779, to 1791, the period ending Vermont's existence as a Republic. In these State Papers, Slade has published the Journals of 1778 only, so it is evident that at that early period, the printed Journals above referred to, were not known.

The manuscript records for the earlier sessions, if not the entire record, from which these Journals are printed, were undoubtedly written long after the holding of the sessions. They are in the handwriting of Dr. Roswell Hopkins, Clerk of the Assembly from 1779 to 1788 and Secretary of State from 1788 to 1802. Born in 1733, at this time he resided in Vergennes and lived to be ninety-seven years old.

He wrote a clear, legible hand and the only variation which can be noticed in it during all the years, is the difference caused by a good or bad goose quill, with which they are all written. His compensation, while Clerk, varied. The only instance, of which we know, in the records of the State, where the Legislature voted more than the amount recommended by the committee appointed to fix the compensation of the Clerk, occurred at the March session of 1780. The October session of 1779 had voted that the Clerk's pay be £6, about \$20 lawful money, per day. The committee of the March, 1780 session reported that he should be paid \$18 lawful money, per day. The Assembly refused to accept this report and voted him \$46 lawful money, per day. It indicates that lawful money, at this time, was not on a specie basis. After 1780, his compensation ran from 7 to 12 shillings per day.

The early records lack detail and were copied from scraps of paper on which the minutes, resolutions and acts were written. Many blank spaces are left for resolutions and petitions that undoubtedly could not be found at the time of copying. Many of the reports of committees are omitted, if not lost; they were considered unimportant where no definite action was taken. Few of the remonstrances and petitions presented at the different sessions were copied. While many of them were dismissed with little consideration, they indicate the character of the people, and in some cases, expose conditions which, at that time, existed. Of special interest would be the charges brought against Ethan Allen, in the session of 1780, which induced Allen to resign as Brigadier General of the militia. The record of the first session held at Windsor, March 12, 1778 does not contain a list of members and at the bottom

1. Vermont did not possess a copy of its first Constitution until 1879, when it was purchased at the Brinley sale for £2.00. It is now [1924] worth about \$1,000.

of the first page, Hopkins wrote: "A list of the representatives was not entered in the Journal and is not to be found."

The first compensation noted for copying Journals, in any of the proceedings is the following, which passed the Assembly, March 3, 1784:<sup>1</sup> A petition, signed, Roswell Hopkins, "Praying that he may have a Pay-table order (which he had obtained for recording the Journals of Assembly) paid, by giving him an order on the three penny tax was read and the prayer thereof granted, and thereupon it was resolved, that the Treasurer be, and is hereby directed to give an order, for the sum of four pounds, one shilling and three pence, [specie] etc., order to be dated, February 24, 1784." This sum must have been paid for copying Journals previous to this session. The first provision in any Journal providing for printing the Journal of Assembly, is a resolution passed at the February, 1784, session,<sup>2</sup> directing the Secretary, "as soon as may be after the rising of each session of the Legislature, to revise, and record the Journals of the proceedings, make a fair copy for the press, \* \* \* when printed, etc." Many of the laws passed from 1779 to 1783 during these sessions, are not mentioned in these Journals nor in "Governor and Council," edited by E. P. Walton and published in 1874<sup>3</sup>, in eight volumes, by authority of the State. To indicate how incomplete the records were, on request of Hopkins, on October 27, 1781, it was "Resolved, that he have liberty to record the Journals of this House and make such amendments as he shall judge proper without altering the sense of the House."

As a further illustration of the slight regard for the preservation of the early records during this time when the State was surrounded by her enemies, attention may be called to the fact that at the 1782 session, (4) it was "Resolved, that the Secretary of State is directed to leave a blank in the record in order to record such laws as are mislaid and cannot, at present, be found and to record, from the printed copies where he is not possessed of the original acts, and where acts have been printed, to record them although the titles of them may not be entered on the Journals as having passed the General Assembly." Only at the end of the Journals of the February and June, 1782, sessions, did Hopkins attest their correctness, by stating "The foregoing are a true copy of the original Journals of the Assembly from the 31st of January to the 28th of March, 1782. Recorded by Roswell Hopkins, Clerk," and "The foregoing are a true record of the Journals of Assembly from the 13th to the 21st of June, 1782."

Notwithstanding these omissions, the present volumes complete the printed records of the Assemblies of the Republic of Vermont, which began the publication of its Assembly Journals in February, 1784.

1. Journal, Feb. 1784, p. 37.

2. Journal, Feb. 1784, p. 9.

3. The Vermont State Library still has (1924) a few of these volumes for sale.

4. Journal, Feb., 1782, p. 106.

When the Assembly desired to go into executive session, it was "ordered that the doors be shut." Members were fined when absent without leave and because one member exchanged the State's "bills of credit" with another member for specie, at one quarter discount, both were expelled; "the crime being acknowledged." When any town refused to send in its grand list for taxing, it was "doomed," which meant that the officers of the town were subject to arrest and imprisonment.

These records disclose that the Assembly considered it was the supreme authority; overruling the courts, and also the executive, at times.

The members were a hardy, independent lot of men and generally with little or no experience in legislation. If the Journals are studied carefully, one will discover that the important acts and resolves were usually prepared in advance and it can easily be discovered that Ira Allen was in control during most of the period covered by these Journals. He was Treasurer and Surveyor General, two positions that alone would give control. Running an independent State required a talent for negotiation, diplomacy and compromise. In the last resort, it required steady courage and fighting power. Ira Allen had all these attributes and it was his master mind which guided the State during this critical period.

The merest outline of the great struggle Vermont made for its independence is sketched in the pages of these Journals. During this time, the State confronted its greatest difficulties. After the treaty of peace in 1783, which included Vermont in the territory relinquished by Great Britain, the task of establishing the government of the State and regulating the internal affairs occupied the attention of those men who had gained independence for Vermont. The first serious mistake made by its legislators occurred when they annexed to Vermont the sixteen towns east of the Connecticut river, in 1778. This was done against the judgment of Ira Allen, but it was the first session of the Assembly and "some members contiguous to the Connecticut river threatened to withdraw from the Vermont Legislature, and unite with the people east of the said river, and form a State." <sup>1</sup> There was much debate and to prevent the first Assembly from breaking up in a violent manner, it was voted to refer the entire matter to the people and allow them to decide by electing members for or against the proposition.

As far as the greater part of the population of Vermont, at this time, was east of the mountain range which divided the State, a majority was returned in favor of annexation; and at the June session, the sixteen towns in New Hampshire were invited to send representatives to the October session of the Assembly. As Allen and others anticipated, this brought a storm of protest from the Governor and Council of New Hampshire, who took the matter to the Continental Congress which had guaranteed to each of the thirteen colonies, the territory included within the boundary lines established before the Revolution. Ethan Allen,

who had been captured by the British in 1775, returned home to Vermont the last of May, 1778, and, in September, was sent to Philadelphia to ascertain how the members of Congress felt about the annexation. At the October session, Ethan Allen reported that Congress was strongly opposed to it.

The New Hampshire partisans had a majority in the Assembly so it was something of a task to dissolve this Union. It was done in a very clever way, on October 21, 1778, by submitting three questions to the members. First, "whether the counties in this State shall remain as they were established by this Assembly, at their sessions in March, last." This seemed an innocent question and it was carried in the affirmative by a vote of thirty-five for to twenty-six against. Those men who voted against, gave as their reason that the division of Vermont into two counties only was made before the union with the towns east of the river and "consequently, they never have been annexed to any county in the State, etc," and secondly, "because the affirmative of the question is in direct opposition to the report of the committee of both houses (of the 19th inst) on the subject, which was confirmed by a resolve of Assembly yesterday, etc." Then the second and third questions were put together and voted upon, "Whether the towns, east of Connecticut river, included in the union with this State, shall be included in the county of Cumberland?" and "Whether the towns on the east side of Connecticut river, who are included, by union, within this State, shall be erected into a distinct county by themselves?"—yeas, twenty-eight; nays, thirty-three. Only two deserted to the New Hampshire party on this vote. These questions were skillfully worded and the argument which assisted in putting them through, was "how much of New Hampshire's share of the debt of the thirteen States, will be assessed against these sixteen towns." "The members from the New Hampshire towns withdrew from the Assembly and were followed by the Lieutenant Governor, three members of the Council and fifteen members of the Assembly, who lived near Connecticut river," in Vermont. "The object was, to break up the Assembly as the Constitution required two-thirds of the members elected, to form a House for business"<sup>1</sup>. The leaders, who had engineered this action, had foreseen this difficulty and were able to proceed with exactly a quorum. Ira Allen, who was selected to handle the matter with New Hampshire, exposed the design of the New Hampshire towns which had been to put Vermont and New Hampshire into one State, and locate its capital, at Hanover. This would secure the title under the New Hampshire Grants to the settlers in Vermont and New Hampshire would get the benefit of all the vacant lands remaining. Defeat of the plan was difficult but Allen effected it.

New Hampshire soon put in a claim before Congress, as did New York, to all, as did Massachusetts to a large part, of the territory of Vermont which was surrounded by these three claimants and the British

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1. Allen, Ira, History of Vermont, p. 116.

on the North. These records disclose little of the bitter conflict that raged for over five years. Ira Allen, as agent to Congress in the fall of 1780, discovered that New York had made combinations with some of the Southern States and that Vermont would be turned over to New York, if some aggressive action was not taken at once. He decided to put New York and New Hampshire on the defensive by annexing a part of each State to Vermont. This, he returned home and accomplished. The sixteen New Hampshire towns were again put into Vermont at the February, 1781, session of the Assembly and in May, a union was formed with all that part of New York, lying between the Hudson river and a boundary line twenty miles east of the Hudson. This almost brought on civil war between Vermont and these two States but Allen managed affairs so adroitly that hostilities were avoided. He also, by negotiation, kept the British army in Canada from invading Vermont from 1780 to 1783.

While Ira Allen and Jonas Fay, as agents to Congress in the winter of 1781-1782, were endeavoring to have Congress admit Vermont as the fourteenth State, the Legislature of Vermont met in February, 1782. Governor Chittenden had received a letter from George Washington, dated January first, which was submitted to the Assembly. It strongly urged that Vermont relinquish this newly acquired territory and intimated that Congress, under certain resolutions that body had passed, would admit the independence of Vermont. This letter had a powerful effect and with the effort of some in the Assembly who would have done anything to discredit Allen and place themselves in power, the unions were dissolved.

The Assembly broke its agreement with the towns annexed under the terms of the two unions. Four agents were elected to go at once to Congress and arrange for Vermont to join the federation. They were authorized to take their seats as delegates in Congress. Ira Allen heard of this on his way home and gave himself and horse no rest until he reached Bennington, to find the Legislature adjourned and the agents waiting to receive £100 which the Assembly had voted that he, as Treasurer, should give to them. What he said to these people would be interesting though possibly not printable.

The agents went to Philadelphia, receiving scant attention from Congress, and returned home, wiser if not better men. This was the first session of the Assembly that Allen had not attended and directed and it came near wrecking Vermont's independence. Allen always excused it by quoting Washington's letter to Chittenden, and years afterwards wrote: "The universal confidence that the people of America placed in their Commander-in-chief from the firm, steady, persevering and able manner he had conducted the war; his known integrity, wisdom and virtue gave him more influence over the Legislature of Vermont than any other man in existence." Congress did not hesitate to sacrifice the honor of Washington, for some of its members had induced him to write the letter. These occurrences, together with Allen's negotiations

with General Haldimand, which had kept a large army idle in Canada and had enabled Washington to withdraw his troops from the north and take them to Yorktown to defeat Cornwallis, compose the great dramas enacted during the sessions whose records contain but a hint of their importance and the many difficulties encountered. The very men who took part in these sessions, with a few exceptions, were like privates in an army and they had little knowledge or appreciation of the ability, tact and diplomacy required successfully to contend against all the forces that were trying to bring about the elimination of Vermont. With the three surrounding States and Great Britain endeavoring to annex the territory comprising the State, undoubtedly New York and New Hampshire would have succeeded in their plan of dividing Vermont between them, had it not been for Ira Allen and a few associates. These Journals, if analyzed carefully, will supply rich material for research that if thoroughly made, will produce volumes of instructive and interesting contributions to history.

JAMES BENJAMIN WILBUR.

Manchester, 1924.



JOURNALS AND PROCEEDINGS

OF THE FIRST

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THEIR FIRST SESSION HELD AT WINDSOR MARCH 1778



# STATE OF VERMONT

WINDSOR, THURSDAY MARCH 12<sup>th</sup> 1778

The Representatives of the freemen of the several Towns in this State, met at the meeting house in said Windsor, agreeable to the Constitution, and formed themselves into a House<sup>1</sup>.

The Assembly then chose Capt. JOSEPH BOWKER<sup>2</sup>, Speaker of the House, and Major THOMAS CHANDLER, Clerk.

After the House was formed, the Reverend Mr Powers preached a sermon<sup>3</sup> on the occasion, from the 28<sup>th</sup> Chapter of Matthew, 18<sup>th</sup> verse—Divine service being ended, proceeded, agreeable to the Constitution

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1. A list of the Representatives was not entered in the Journal. Using Comstock's revision of Deming's Vermont Officers, and checking the names of members mentioned in the Journal, the following list has been compiled for the March session of 1778.

Arlington	Thomas Chittenden	John G. Bayley
Barnard	Edmund Hodges	Zadock Everest
Barnet	Alexander Harvey	Jonathan Fassett
Bennington	Nathan Clark	John W. Dana
	John Fassett	Thomas Jewett
Bradford	Benjamin Baldwin	Rockingham
Brandon	Thomas Tuttle	Rupert
Castleton	Zadock Remington	Rutland
Cavendish	John Coffeen	Shaftsbury
Chester	Thomas Chandler, Jr.	
Danby	Peter Lewis	Sharon
Dorset	Cephas Kent	Springfield
Dummerston	Thomas Amsden	Thetford
Guilford	Benjamin Carpenter	Tinmouth
	John Shepardson	Townshend
Halifax	Edward Harris	Wallingford
	Hubbell Wells	Westminster
Hartland	William Gallup	Wilmington
Londonderry	Edward Aiken	Windsor
Manchester	Stephen Washburn	Woodstock
	Gideon Ormsby	
Marlboro	Samuel King	
Newbury	Jacob Kent	John Strong
		Joseph Safford

The text of the Journal indicates that the following men, not mentioned in Deming, were members at the March session of the General Assembly:

Jacob Burton of Norwich.

Reuben Jones of Rockingham.

Thomas Rowley of Danby.

See Vermont Historical Society Proceedings (1878) for "The First Legislature of Vermont," by E. P. Walton.

2. For biographical sketch of Joseph Bowker see Governor and Council, Vol. I, p. 190.

3. It was customary for many years for members of the Legislature to attend religious services at the opening of the session and the discourse preached on such an occasion was commonly known as the election sermon. This sermon was published in Newburyport, Mass., in 1778 and is a rare book.

of this State, and chose a Committee of twelve [representing both the Council and the Assembly] to receive, sort and count the votes for Governor, Deputy Governor, Treasurer and twelve Counsellors—Committee chosen, Col<sup>o</sup> Thomas Chittenden, Capt. Joseph Bowker, Col<sup>o</sup> Timothy Brownson, Capt. Ira Allen, Col<sup>o</sup> Peter Olcott, Col<sup>o</sup> Joseph Marsh, Deacon Benjamin Emmons, Doct<sup>r</sup> Jonas Fay, Doct<sup>r</sup> Paul Spooner, Major Thomas Chandler, Major Jeremiah Clark and Col<sup>o</sup> Jacob Kent, and sworn to a faithful discharge of their trust. Votes being called for a Governor, Col<sup>o</sup> THOMAS CHITTENDEN<sup>1</sup> was elected, by a great majority of votes.

Votes for a Deputy Governor<sup>2</sup> being called for, when there was no person chose by a majority of the suffrages of the freemen (by eleven votes;) then this Assembly, by ballot, made choice of Col<sup>o</sup> JOSEPH MARSH<sup>3</sup> for Deputy Gov<sup>r</sup>—After the choice was made, there was brought in fifteen votes for Col<sup>o</sup> Marsh, which, if they had come before, he would have been chosen, by a majority of the suffrages of the freemen, at large.

Votes for a Treasurer being called for, no person chose by a majority of suffrages of the freemen; when this Assembly, by ballot, made choice of IRA ALLEN<sup>4</sup> Esq<sup>r</sup> as treasurer.

Votes called for Counsellors when the following were chose, by the suffrages of the freemen, viz:—

JOSEPH BOWKER	BENJAMIN CARPENTER
JACOB BAYLEY	JEREMIAH CLARK
JONAS FAY	IRA ALLEN <sup>4</sup>
TIMOTHY BROWNSON	THOMAS MOREDOCK [MURDOCK]
PETER OLcott	JOHN THROOP <sup>5</sup>
PAUL SPOONER	BENJAMIN EMMONDS [EMMONS]

Assembly adjourned until tomorrow morning eight o'clock.

FRIDAY March 13<sup>th</sup> 1778

Assembly met according to adjournment.

*Voted* that a Committee of two be chosen, to return the thanks of this House to the Rev'd Mr Powers, for his sermon, preached at the opening of this present Session, and desire a copy thereof, for the press—Committee chosen, Col<sup>o</sup> John Barret and Mr. John G. Bailey. [Bayley]

1. For biographical sketch of Thomas Chittenden see Governor and Council, Vol. I, pp. 118-120.

2. The term Lieutenant Governor was first substituted for Deputy Governor in the official returns made in October, 1783.

3. For biographical sketch of Joseph Marsh see Governor and Council, Vol. I, pp. 235-238

4. For biographical sketch of Ira Allen see Governor and Council, Vol. I, pp. 175-177.

5. This list evidently was inserted by William Slade, Jr., the compiler of Vermont State Papers, '1823, and is incorrect in that John Throop is included instead of Moses Robinson. The records of the Governor and Council seem to prove that Moses Robinson was a member of the first Council and that John Throop was not a Councillor until 1779. Governor and Council, Vol. I, pp. 234-236.

*Voted* that NATHAN CLARK<sup>1</sup> Esqr be and is hereby appointed Speaker, pro tempore.

*Voted* that EBENEZER CURTISS be and is hereby appointed Clerk<sup>2</sup> pro tempore.

Adjourned until two o'clock, afternoon.

Assembly met according to adjournment.

*Voted*, that M<sup>r</sup> GIDEON COWLS be, and he is hereby, appointed to attend this House as a Constable.

*Voted* to accept John W. Dana, as a member of this House.

The Governor, Deputy Governor Treasurer and Council sworn to their several offices.

*Voted* that leave be given to any person to contribute to the Rev'd M<sup>r</sup> Powers, for his services on the 12<sup>th</sup> March inst.

*Voted*, that the hon<sup>b1e</sup> Joseph Bowker Esqr be and his hereby appointed to receive said contribution, and deliver the same to the Rev'd M<sup>r</sup> Powers—Collected by said Contribution, the sum of ten pounds, lawful money.

*Voted* that Major THOMAS CHANDLER<sup>3</sup> be and he is appointed Secretary for this State, for the ensuing year—who accordingly took the necessary oaths, to qualify him for that office.

The Hon<sup>b1e</sup> Joseph Bowker Esqr, Speaker of this house, being chosen a Counsellor: *Voted* that NATHAN CLARK Esqr be, and is hereby, appointed Speaker of this Assembly, the present year; who was accordingly sworn.

*Voted* that BENJAMIN BALDWIN be and he is hereby appointed clerk of this Assembly, for the present year; who was accordingly sworn to said office.

*Voted*, M<sup>r</sup> Joshua Tuck<sup>4</sup> have liberty to return home.

*Voted* that M<sup>r</sup> Joshua Webb have leave of absence, until tuesday next.

*Voted* to chuse a Committee out of the Assembly and Council, to wait on the Committee from the east side of Connecticut River<sup>5</sup>; Committee chosen from the House Col<sup>o</sup> [John] Barret, Capt. John Fassett, Doct<sup>r</sup> Reuben Jones, and Capt. [Ebenezer] Curtis; from the Council, Doct<sup>r</sup> Jonas Fay, Capt. Ira Allen and Col<sup>o</sup> Peter Olcott.

Assembly adjourned until eight oclock tomorrow morning.

1. For biographical sketch of Nathan Clark see Governor and Council, Vol. 1, pp 120-121.

2. During the session of the General Assembly in 1778 the Clerk was a member of the House of Representatives.

3. For biographical sketch of Thomas Chandler, Jr. see Governor and Council, Vol. 1, pp. 241-242.

4. Contemporary records make no mention of Joshua Tuck, but do refer to Joshua Tucker of Strafford.

5. For union of New Hampshire towns with Vermont see Governor and Council, Vol. 1, appendix G., pp. 405-441.

SATURDAY March 15<sup>th</sup> 1778 [March 14<sup>th</sup>]

Assembly met, according to adjournment.

*Voted* that Doct<sup>r</sup> REUBEN JONES be, and is hereby, appointed an assistant Clerk to this Assembly.

*Voted* that Doct<sup>r</sup> [SAMUEL] KING be, and is hereby, appointed an assistant Clerk to this Assembly.

*Voted* that Thomas Jewet, Deacon Edward Aikins, [Aiken] Thomas Rowley and Jacob Burton be a Committee to draw up, or make, some rules for the regulation of this House.

*Voted* that Moses Johnson<sup>r</sup> be dismist this house.

*Voted* that John W. Dana Esq<sup>r</sup> have leave of absence until tuesday next.

*Voted* that M<sup>r</sup> [William] Gallop have leave of absence, until monday next.

Adjourned until two o'clock, afternoon.

Met according to adjournment.

*Voted*, that the Governor and Council, or a Committee by them appointed, out of their number, to adjust the accounts between this State and the Rangers<sup>2</sup> raised by them and others that have been out, in defence of their country, belonging to this State, where any act of Convention or Council is pledged to them for their service; rendering an account to such auditor or auditors, as shall be appointed by this House for that purpose;—and that an order be given to draw money out of the treasury of this State, for that purpose.

*Voted*, that the petition of Capt Leonard Spaulding be dismist, or flung out.

*Voted*, that M<sup>r</sup> Thomas Cooper have leave of absence, until tuesday next.

Assembly adjourned until monday next, eight oclock in the forenoon.

MONDAY March 16<sup>th</sup>, 1778.

Assembly met, according to adjournment.

*Voted*, that the petition of Joseph Hatch and others, remain on file.

1. References are made in contemporary records to Lieut. Moses Johnson and to Moses Johnson & Company, a firm engaged in a land transaction. See Governor and Council, Vol. 3, p. 196.

2. When the Council of Safety met in 1777, a few weeks before the British advance upon Bennington, the older members of the Council could not see how more than two companies of sixty men each could be raised. Ira Allen, however, insisted that a regiment should be raised. Allen was requested to discover ways and means to support a regiment and to report his plan "at sun rising on the morrow." At the appointed time he reported the policy of the sequestration and sale of the property of Tories. This policy was adopted. A regiment was raised, Samuel Herrick of Bennington was given command, and it was known as Herrick's Rangers. Other detachments of Vermont troops were also known as Rangers.

*Voted* that the petition of Capt. Abner Seelye lies upon file.

*Voted*, to send a request to his excellency the Governor and Council, to prepare a Bill or draught regulating the militia, and a mode for the defence of the Frontiers, and measures to supply the Treasury<sup>1</sup> of this State.

*Voted* that a Committee to prepare a Bill to regulate Attorneys, be appointed—Committee Chosen—Capt. [John] Coffin, [Coffeen] Mr [Thomas] Rowley, Ensign [Edward] Harris, Mr [Elijah] Alverd and Mr [Thomas] Jewett be the Committee to make said Bill.

*Voted* to adjourn until two o'clock afternoon.

Assembly met according to adjournment.

Assembly adjourned until tomorrow morning eight o'clock.

TUESDAY March 17<sup>th</sup>, 1778.

Assembly met according to adjournment.

*Voted*, that the petition of Mr Ebenezer Hosington [Hoisington] lie upon file, till some future opportunity.

*Voted*, that there be but two Regiments in this State, on the west side of the range of Green mountains, at present.

*Voted*, that the north line of Arlington and Sunderland shall be the division line between the two Regiments as aforesaid.

*Voted*, that the south Regiment, on the east side of the mountains, extend north, to the south line of Rockingham Tomlinson [Grafton] and Kent; [Londonderry] that the second Regiment extend north, to the south line of Norwich, and that the third Regiment extend to Canada line, so called.

*Voted*, that the Report of the Committee, relative to providing attorneys for the County Courts, regulating their fees, &c. be accepted.

*Voted*, to accept the Bill presented to the House of Representatives by his excellency the Governor and Council describing the boundaries of the county, on the west side of the mountains.

*Voted*, that the Bill<sup>2</sup> presented to this House by the Governor and Council, be altered, and, in the place of "New Hampshire west line" insert the west bank of Connecticut River.

*Voted*, that Col<sup>o</sup> John Barrett, Mr Thomas Rowley, Col<sup>o</sup> Jacob Kent, Lieut. Thomas Jewett, and Mr Elijah Alverd, be a Committee to appoint the several shire towns in this State.

Assembly adjourned until two o'clock afternoon.

1. In his address delivered at the unveiling of the statue of Ira Allen, on the campus of the University of Vermont, in Burlington, June 18, 1921, Darwin P. Kingsley said: "One of the first measures of the new government was to carry out Ira Allen's plan of paying the expenses of the war by confiscating the property of Tories. This plan was later adopted by all the States. Through Ira Allen's financing the people of Vermont, unlike the people of any other New England State, paid almost no taxes."

2. This bill prescribed the boundaries of the region east of the Green Mountains.

Assembly met, according to adjournment.

*Voted* to accept the Bill presented to this House by the Governor & Council, prescribing the boundaries of the County on the east side of the mountains, with the alteration as above.

*Voted*, that the county on the west side of the Range of Green mountains, be, hereafter, styled and known, by the name of BENNINGTON.

*Voted*, that the county, on the east side of the range of Green mountains, be hereafter, styled and known by the name of UNITY<sup>1</sup>.

*Voted*, that there be four probate districts, in the county of Bennington.

*Voted*, that there be four probate districts, in the county of Unity.

*Voted*, that Mr [Charles] Brewster, Col<sup>o</sup> John Barrett, Col<sup>o</sup> [Jacobl] Kent, M<sup>r</sup> [Elijah Alvord] Alverd and Lieut. [Gideon] Ormsby be a Committee to draw the lines between the probate districts, and also, to appoint places for the Representatives of each town to meet, to count the votes of the county elections.

*Voted*, to postpone acting anything concerning filling up Col<sup>o</sup> Seth Warner's Regiment<sup>2</sup>, until tomorrow morning.

M<sup>r</sup> Ebenezer Hosington [Hoisington] desired that the House of Representatives would give their opinion whether they would act, or do, anything, respecting some old iron, lately brought from Mount Independence<sup>3</sup>, by enemical persons to the American cause, that fell into his hands by virtue of a Commission of sequestration; which being put to Vote, passed in the negative.

*Voted* that the County Elections be held on the first wednesday of June next.

Assembly adjourned until tomorrow morning, eight oclock.

WEDNESDAY March 18<sup>th</sup> 1778.

Assembly met, according to adjournment.

The petition of Watts Hubbard, of Windsor, praying that he might be released from the confinement he some time had been subjected to, for enimicial conduct; which being put to vote, was dismissed, for the present.

1. The name Unity was changed later to Cumberland, a county designation given by New York to a portion of the region east of the Green Mountains. See p. 13.

2. For Col. Seth Warner's regiment of Continental troops see Vermont Revolutionary Rolls, pp. 107 and 110-112.

3. Mount Independence, in the town of Orwell, had been fortified as a part of the works in the vicinity of Fort Ticonderoga, and had been abandoned in 1777, by American troops in command of General St. Clair.

The act for providing, altering, regulating and mending, highways<sup>1</sup>, with the exceptions presented to this House by the Governor and Council, was put to vote, and passed in the negative.

*Voted*, that Nathan Clark Esqr, Capt. [Ebenezer] Curtice [Curtis] and Major [Samuel] Fletcher be a Committee to prepare a Bill for providing, altering, regulating, and mending, highways.

*Voted*, that Capt. JOHN FASSETT be Speaker, protempore.

*Voted* to accept the report of Committee appointed to prefix the lines of the Probate districts.

*Voted*, that the proposals and preliminaries exhibited to this House by a Committee representing a numbers of towns on the New Hampshire Grants, east of Connecticut River, relative to forming a union between said Grants and this State be laid before the people of this State, at large, for their consideration and determination.<sup>2</sup>

Assembly adjourned until three o'clock in the afternoon.

Assembly met, according to adjournment.

*Voted*, that the Style of the Governor of this State be, *His Excellency*.

*Voted*, to concur with the Governor and Council, relative to the time and place when and where to adjourn this Assembly whenever they think proper to adjourn.

*Voted* to adjourn this House till eight o'clock tomorrow morning.

[THURSDAY March 19.]

Assembly met according to adjournment.

*Voted*, that the Council do take the express<sup>3</sup> (sent from Capt. [Thomas] Sawyer in Clarendon) into consideration and report thereon to this House.

*Voted* to give M<sup>r</sup> John Payne<sup>4</sup> and others, specified in a petition, presented to this House by said Payne, the refusal of the land as specified in said petition, with the Restrictions, and on the proposals therein mentioned.

*Voted*, to allow Lieut. Elisha Hawley, Continental pay as a Subaltern, fifteen days for his services at Tyconderoga.

1. The first highways were little more than trails or bridle paths. Such a road was cut through the forests, before the American Revolution, by the Onion River Land Company, probably under the direction of Ira Allen, from Castleton to Fort Frederick, near the mouth of the Winooski River, in the present City of Winooski.

2. For papers on the first union of New Hampshire towns with Vermont see Governor and Council, Vol. I, Appendix G. This vote was one of the early uses of the referendum in this country.

3. The term express is frequently used in early Vermont records to indicate the sending of a swift messenger on a special errand. See Governor and Council, Vol. I, p. 246, for Capt. Thomas Sawyer's victory over the enemy at Shelburne.

4. See Governor and Council, Vol. I, pp. 244-245 for John Payne's petition for a grant of land.

*Voted*, that the Treasurer be bound of ten thousand pounds, lawful money, with sufficient sureties.

*Voted*, to chuse three men as a Committee, to adjust all accounts under ten pounds.

*Voted* that Col<sup>o</sup> John Barrett, Capt. Ebenezer Curtiss and Col<sup>o</sup> Jacob Kent be the above Committee.

*Voted* to accept the report of the Committee, relative to prefixing the place for holding county elections.

*Voted*, that the several towns in this State shall meet to give in their votes for Judges of the inferiour courts, Judges of Probate, High Sheriff &c. on the second thursday of April next.

*Voted* to send the order presented to this House, by the Governor and Council, to Captain Ebenezer Allen<sup>1</sup>, Isaac Clark, and Thomas Sawyer.

*Voted*, that M<sup>r</sup> Thomas Tuttle be dismissed from this House, for the present, to forward the express to Capt. Ebenezer Allen &c.

*Voted*, to dismiss Daniel Gilbert from this Assembly for the present for certain reasons &c.

Assembly adjourned until two oclock afternoon.

Assembly met according to adjournment.

*Voted*, that a Committee be chosen to appoint a day for annual town meetings, for choosing town officers.

*Voted* that Capt. [Ebenezer] Curtiss M<sup>r</sup> Ebenezer Harris<sup>2</sup> and Capt John Fassett be a Committee for the purposes aforesaid.

*Voted* to petition the Governor and Council, whether they would do anything relative to persons which have been to the enemy and have returned.

Assembly adjourned until tomorrow morning, eight oclock.

FRIDAY March 20<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted* the Act of affirmation for quakers.<sup>3</sup>

*Voted* to provide a Surgeon for Captains Allen and Clark's Companies.

1. For biographical sketch of Ebenezer Allen see Governor and Council, Vol. I, p 147.

2. The name of Ebenezer Harris does not appear in contemporary records. Edward Harris was an active member of the General Assembly and his name often appears as Ensign Harris. It is possible that an error was made in the copying of the records.

3. A considerable number of Quakers settled in the valley of Lake Champlain, in the southern part of what is now known as Chittenden County, in Addison and in Rutland Counties.

*Voted* that Doct<sup>r</sup> JACOB RUBACK<sup>1</sup> be the Surgeon for the purpose aforesaid.

*Voted* that those men that enlisted under Captains Allen and Clark should have ten dollars as a bounty, in lieu of double rations.

*Voted* Col<sup>o</sup> PETER OLcott<sup>2</sup> trustee of the loan office.

*Voted* to appoint one Brigadier General in this State.

*Voted* SETH WARNER<sup>3</sup> Esquire be, and is hereby, appointed Brigadier General.

*Voted* to appoint a Brigade Major for this State.

*Voted* that Major SAMUEL FLETCHER<sup>4</sup> be, and is hereby, appointed a Brigade Major.

*Voted* that the Representatives be allowed three dollars p<sup>r</sup> day from the time they left home until the House adjourns, and four pence p<sup>r</sup> mile for horse travel.

*Voted* that the Councillors be allowed the same wages as the Representatives.

Assembly adjourned, until two o'clock, afternoon.

Assembly met according to adjournment.

*Voted* that the petition signed Reuben Jones<sup>5</sup>, in behalf of himself and others, be received on file.

*Voted* that Captain [William] Gallop have leave of absence until tomorrow noon.

*Voted* to appoint overseers to take care of the timber on the governor's lots<sup>6</sup>, and other lots that are not under the immediate care of the grantees, or any holding under them.

*Voted* that M<sup>r</sup> [Elijah] Alverd, Ensign [Edward] Harris and John Winchester Dany [Dana] Esq<sup>r</sup> be a Committee to prepare a bill to lay before this House, for the preservation of timber &c.

*Voted* that the petition signed Jonathan Darby, lie upon file, for the present.

*Voted* to give his Excellency the Governor the sum of fifty pounds, as a Salary, for the time since he came from home, until the next session of this Assembly.

1. Dr. Jacob Ruback, or Roback, was appointed by the General Assembly surgeon for Capt. Ebenezer Allen's company and also for Capt. Isaac Clark's company. Later, with Ebenezer Allen, he settled in Grand Isle. He was a native of Germany who came to America with the Hessian troops, deserted and later identified himself with Vermont. Governor and Council, Vol. 2, pp. 498-499.

2. For biographical sketch of Peter Olcott see Governor and Council, Vol. 1, p. 241.

3. For biographical sketch of Seth Warner see Governor and Council, Vol. 1, pp. 159-160.

4. For biographical sketch of Samuel Fletcher see Governor and Council, Vol. 2, pp. 2-3.

5. For biographical sketch of Dr. Reuben Jones see Governor and Council, Vol. 1, pp. 314-315.

6. It was customary in granting townships to grant one lot to the Governor. Governor Wentworth followed this plan in the grants made under the seal of the colony of New Hampshire.

The petition of John Barnes, John Newton and Benjamin Baldwin, relative to obtaining liberty to make a lottery<sup>1</sup>, after being read and debated was put to vote, and passed in the negative.

*Voted* to grant the request of M<sup>r</sup> Moses Sage.

*Voted* to take into consideration an Act relating to Tories.

*Voted* to appoint five persons as a Committee to prepare a Bill relative to Tories.<sup>2</sup>

*Voted* that Col<sup>o</sup> John Barrett, Lieut. Thos<sup>s</sup> Jewett, Maj<sup>r</sup> Sam<sup>l</sup> Fletcher, M<sup>r</sup> Elijah Alverd and Ensign [Edward] Harris be the above Committee.

*Passed* the Highway Act.

*Voted* that Lieut. Joseph Safford have leave of absence on reasons offered to this House.

Assembly adjourned until tomorrow morning, eight o'clock.

SATURDAY March 21<sup>st</sup> 1778.

Assembly met, according to adjournment.

*Voted* to adjourn to M<sup>r</sup> Coles.

Assembly met according to adjournment at M<sup>r</sup> Coles—

*Voted* that it is the opinion of this Assembly, that the persons that collected arms at Hubbardton<sup>3</sup>, the summer past, and delivered them to the Council of this State, be honorably rewarded, and not to be paid the full value of said arms.

*Voted* that the first class of tories, described in the report of the Committee concerning enemical persons in the town of Bennington, be committed to close confinement; that the second and third classes mentioned in said Report, be disposed of, by Capt. Samuel Robinson, (who is their overseer, for the time being) takeing the advice of any three members of this Assembly.

*Voted* that M<sup>r</sup> Timothy Bartholomew have leave of absence at 4 oClock this afternoon, for certain reasons he mentioned.

The petition presented to this House by Benjamin Baldwin, in behalf of himself and the inhabitants of Mooretown, [Bradford] after being read and debated, was voted to receive the same on file.

Assembly adjourned until two o'clock afternoon.

Assembly met, according to adjournment.

1. The use of the lottery was a common method of raising money for public purposes and requests for permission to hold a lottery frequently were presented to the Legislature, some of which were often granted.

2. For discussion of Tories in Vermont see Crockett's History of Vermont, Vol. 2, pp. 272-280.

3. In the battle of Hubbardton, fought July 7, 1777, timely arrival of British reinforcements resulted in the defeat of Col. Seth Warner's troops, which were fighting as a rear guard of General St. Clair's retreating army. The Vermont troops scattered and fled and presumably many in their flight may have thrown away their arms.

The petition of Nathan Clark, in behalf of himself and others, being read, was voted to be received on file.

*Voted* the recommendation relative to keeping the Lords day and other religious duties, presented by Doct<sup>r</sup> Jones, in the affirmative.

*Voted* that Col<sup>o</sup> [John] Barret, Capt. [Ebenezer] Curtiss and Mr Elijah Alverd be a Committee to inspect the bill from the Governor and Council, and report their opinion to this House.

A bill being presented to this House, by the Council, relative to raising men to fill up Col<sup>o</sup> Seth Warner's Regiment, which being read and debated, was put to vote, and passed in the negative.

A bill being presented to this House by the Council, relative to establishing the common law as the law of this State; which being read and debated, was put to vote, and passed in the affirmative.

*Voted* to reconsider a vote passed this house, relative to naming the County on the east side of the Green Mountains, "Unity."

*Voted* that the County on the east side of the mountains, be, hereafter, called and known by the name of CUMBERLAND.<sup>1</sup>

The bill presented to this House, being read and debated, was put to vote and passed in the affirmative.

*Voted* that Doct<sup>r</sup> [Samuel] King have leave of absence.

Assembly adjourned until Monday next, eight o'clock in the morning, at the meeting house.

### MONDAY March 23<sup>d</sup> 1778

Assembly met according to adjournment.

*Voted* that Maj<sup>t</sup> Sam<sup>l</sup> Fletcher, Lieut. Thos<sup>s</sup> Jewett, and Capt. John G. Bailey, [Bayley] be a Committee to devise measures for the raising men to defend the frontiers of this State, either by filling up Col<sup>o</sup> Warners Reg<sup>t</sup> or other ways.<sup>2</sup>

*Voted*, that Capt. Jonathan Fassett and Deacon Edward Aikin be added to the foregoing Committee.

*Voted* to excuse and release Col<sup>o</sup> [Peter] Olcott from being trustee of the loan office, the ensuing year.

*Voted* to receive the petition of Abraham Jackson and others, on file, for future consideration.

*Voted* that Capt. Thomas Rowley, Nath<sup>l</sup> Robinson Esq<sup>r</sup> and Col<sup>o</sup> Jacob Kent, be a Committee to prepare a bill for the purpose of preventing some individuals catching all the fish that pass and repass up and down White river, so called.

*Voted* to accept the first paragraph of the list Bill.

*Voted* to accept the second d<sup>o</sup>. d<sup>o</sup>.

1. See p. 8.

2. In April, 1778, Col. Seth Warner's regiment was ordered to Albany, N. Y. and no regular troops were left for the protection of the frontier. Governor and Council, Vol. 1, pp. 254, 255, 256, 258.

*Voted* to accept the third paragraph of the list Bill.  
*Voted* to accept the fourth                   d°                   d°  
*Voted* to accept the fifth                   d°                   d°  
*Voted* to accept the sixth                   d°                   d°  
*Voted* to accept the seventh               d°                   d°  
*Voted* to accept the eighth               d°                   d°  
*Voted* to accept the ninth               d°                   d°  
*Voted* to accept the tenth               d°                   d°  
*Voted* to accept the eleventh           d°                   d°  
*Voted* to accept the twelfth              d°                   d°  
*Voted* to accept the thirteenth          d°                   d°  
*Voted* to accept the fourteenth        d°                   d°

*Voted* to accept the fifteenth paragraph of the list Bill without the amendment.

*Voted* to accept the sixteenth           d°                   d°                   d°  
Doct<sup>r</sup> Reuben Jones dissidentent.  
*Voted* to accept the seventeenth       d°                   d°  
*Voted* to accept the eighteenth        d°                   d°  
*Voted* to accept the nineteenth        d°—

Doct<sup>r</sup> Jones and Capt. Cochran dissintiments.

*Voted* to accept the twentieth        d°                   d°  
*Voted* to accept the twentyfirst       d°  
*Voted* to accept the twenty second d°  
*Voted* to accept the twenty third      d°  
*Voted* to accept the twenty fourth d°  
*Voted* to accept the twenty fifth      d°  
*Voted* to accept the twenty sixth      d°  
*Voted* to accept the twenty seventh d°  
*Voted* to accept the twenty eighth d°

And that all bonds, notes and obligations on interest, clear of debt, with cash on hand, be taxed in like manner with other articles in this bill.

Assembly adjourned until three o'clock in the afternoon.

Assembly met according to adjournment.

The report of the Committee appointed out of this House, to devise measures for raising men to defend the frontiers, by filling up Col<sup>r</sup> Warners Regiment<sup>1</sup> or otherwise; which being read and amended, was put to vote, and passed in the affirmative.

A form of a proclamation for a fast was presented to this House by the Secretary and read,—was put to vote and passed in the affirmative; the day was specified the third wednesday of April next.

*Voted* that Capt. [Ebenezer] Curtiss, Capt. [John] Fassett, Col<sup>r</sup>

1. See Governor and Council, Vol. 1, pp. 254-258, for information concereing Colonel Warner's regiment, its assignment to duty in New York and the recruiting of additional troops.

[John] Barrett, Capt John Smith and Mr [Elijah] Alverd, be a Committee to form a plan prescribing in what manner, or what measures to take, to raise the men above mentioned.

A bill was presented to this House by the Council, relative to their paying the surgeons for dressing the wounds of the soldiers of this State, that was wounded in the Bennington Action,—being read and debated, was put to vote, and passed in the affirmative.

Assembly adjourned until tomorrow morning, eight o'clock.

### TUESDAY March 24<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted* that the men voted to be raised by this State, yesterday, be annexed to Col<sup>o</sup> Seth Warners Regiment.

*Voted* that the line between Bennington and Rutland Shires be the north line of Dorset and Tinmouth.

*Voted* that the division line of the two Shires on the east side of the Mountains be the ancient County Line.<sup>1</sup>

*Voted* to accept of the bill presented to this House by the Council, relative giving Capt. [William] Gallop liberty to dispose of some tory land, on certain conditions therein mentioned.

Assembly made choice of Gen<sup>l</sup> Jacob Bailey<sup>2</sup>, [Bayley], first Judge, Mr Jacob Burton, second, Mr William Heaton, third, Mr Reuben Foster, fourth, and Capt. John French fifth, Judges for the Shire of Newbury;—Major John Shepardson, first, Mr Stephan Tilden, second, Hubbel Wells Esq<sup>r</sup> third, Deacon Hezekiah Thomson fourth, and Nathaniel Robinson Esq<sup>r</sup> fifth, Judges for the Shire of Westminster, Major Jeremiah Clark, first, Capt Sam<sup>l</sup> Robinson, second, Lieut. Martin Powel, third, Capt. John Fassett Jun. fourth, and Lieut. Thomas Jewett, fifth, Judges for the Shire of Bennington,—and Joseph Bowker Esq<sup>r</sup>, first, Maj<sup>r</sup> Heber Allen<sup>3</sup>, second, Charles Brewster, third, Capt. John Starks, fourth, and Capt. Jonathan Fassett, fifth, Judges for the Shire of Rutland. Assembly adjourned, until two o'clock, afternoon.

Assembly met, according to adjournment.

*Voted* the act for regulating town meetings.

*Voted* the act Relative to catching fish in White River.

*Voted* to submit the drawing the lines of defence, in the northern department, unto the Governor and Council.

1. The line between the New York counties of Albany and Charlotte extended along the northern border of the towns of Sunderland and Arlington.

2. For biographical sketch of Jacob Bayley see Governor and Council, Vol. 1, p. 117; also see Wells' History of Newbury, pp. 434-436 for sketch, and appendix for correspondence with General Washington.

3. Heber Allen was a brother of Ethan and Ira Allen. He was the first Town Clerk of Poultney. A son, Heman Allen, was a member of Congress from Vermont and the first United States Minister to Chili.

*Passed* an act, specifying the lines of the Probate districts.

*Voted* that the fees of the Court of Probate be three times as much as established in the Connecticut law.

*Voted* that his honor, the deputy Governor, have the same wages p<sup>r</sup> day, as a Counsellor.

*Voted* to accept the report of the Committee relative to raising the troops in this State<sup>1</sup>.

*Voted* to postpone the County Elections for the present.

*Voted* that Capt. [Ebenezer] Curtis, M<sup>r</sup> Cephas Kent, and Ensign [Edward] Harris, be a Committee to form a bill, in what manner and form to elect the Probate Judges.

*Voted* that Capt. John Smith and Capt. John Coughran [Coffeen] have leave of absence for present.

Assembly adjourned until tomorrow morning, eight o'clock.

### WEDNESDAY March 25<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted* to allow the Secretary of this State three times as much fees, for all business that he does, or may perform, except for memorials or petitions to the General Assembly; and he shall not be entitled to no more fees for the petitions to this Assembly, than what is specified in the Connecticut law.<sup>2</sup>

*Voted* to add to the Soldiers wages that is to be raised according to a Vote of this House, so much as to make their wages four pounds p<sup>r</sup> month. Also the same addition shall be made to all the soldiers that are already inlisted into Col<sup>o</sup> Warners Regiment, that do belong to this State, from the first day of May next, to the last day of November next.

*Voted* to accept of the Report of the Committee relative to electing Probate courts.

*Passed* the bill empowering the Governor and Council to confer with the commander in chief, and to draw such lines of defence as they shall Judge proper.

*Voted* to accept the Report of the Committee relative to raising men; the same to be laid before the Governor and Council.

Assembly adjourned, until two oclock, afternoon.

Assembly met according to adjournment.

*Voted* to pass the militia bill presented to this House by the Council, into an Act of this Assembly.

*Voted* Capt. Jonathan Fassett, Col<sup>o</sup> [John] Barrett, Major [Samuel]

1. See Governor and Council, Vol. 1, pp. 254-255, 258.

2. Vermont drew largely on Connecticut for early laws. (Note Slade's Vermont State Papers p. 287) Probably more of the early settlers came from Connecticut than from any other Colony (or State), and this is particularly true of the inhabitants west of the Green Mountains. The first name given to the State was New Connecticut, and it was not inappropriate, owing to the close relationship that existed.

Fletcher, Capt [Ebenezer] Curtiss and Mr [Alexander] Harvey, be a Committee to look out the papers passed by this House, that ought to be copied, and compare the same.

Assembly adjourned, until tomorrow morning, six o'clock.

THURSDAY March 26<sup>th</sup> 1778.

Assembly met, according to adjournment.

*Voted* that the Governor and Council be and are hereby impowered to act respecting tory lands, as they shall judge proper or advantageous to this State, and do justice to the persons that owned said lands.<sup>1</sup>

*Voted* that the bill presented to this house by Lieut. Gov<sup>r</sup> Marsh, be postponed until the next session.

*Voted* that Capt. John Fassett Col<sup>o</sup> [John] Barrett, and Capt. [Ebenezer] Curtiss be a Committee to adjust all the accounts of the Representatives, and make report.

*Passed* the bill impowering the Council to dispose of tory estates, and put the money into the Treasury of this State.

*Passed* an act for the punishing high treason and other atrocious crimes, as said Act stands in the Connecticut law Book.

*Passed* an Act against treacherous conspiracies as said act stands in the Connecticut law Book.

*Voted* that Capt. Thomas Rowley, Capt. John Fassett, and Lieut. Gideon Ormsby be a Committee to copy such of the proceedings of this Assembly, as are necessary for the inhabitants to know, at present, and furnish each town in the County of Bennington, with one copy of each, as soon as may be.

*Voted*, that Capt. [Ebenezer] Curtiss, Doct<sup>r</sup> [Thomas] Amsden and Mr Alexander Harvey be a Committee to copy such of the proceedings of this Assembly as are necessary for the inhabitants to know at present, and furnish each town in the County of Cumberland, with one copy of each, as soon as may be.

*Voted* that Col<sup>o</sup> [John] Barrett, Ensign [Edward] Harris and Mr [Elijah] Alverd be a Committee to make alterations in the marriage bill: —the above vote is reconsidered.

*Voted* to accept of the report of the Committee appointed to adjust the accounts of the Representatives, Sheriff and Constable, for this Session.

*Voted* that an order be given on the treasury to pay the Representatives &c. agreeable to said report.

1. It happened not infrequently that a Loyalist would flee from the State, leaving his wife and children. The confiscation of his property followed, but arrangements were made in some instances to grant the family the use of all or some portion of the property taken or to return the land to them. Otherwise the family would have become a public charge. See Governor and Council, Vol. I, pp. 248-249, for the appointment of a court of confiscation.

*Voted* that the Sheriff and Constable be allowed fifteen shillings p<sup>r</sup> day, each, for their attendance.

*Voted* that his Excellency the Governor and Council be impowered to chuse a Committee out of their own body to prepare matters to be laid before this House, at their next Session.

*Voted* to adjourn this Assembly until the first Thursday of June next, to meet at the house of Capt. Stephen Fay, of Bennington.

NATHAN CLARK } *Speaker.*

Attest

REUBEN JONES, *Assistant Clerk.*

JOURNALS AND PROCEEDINGS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THEIR ADJOURNED SESSION HELD AT BENNINGTON  
JUNE 4<sup>TH</sup> 1778



# JOURNALS

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JUNE 1778

THURSDAY June 4<sup>th</sup> 1778

The General Assembly of the State of Vermont met at Bennington, at the house of Capt. Stephen Fay<sup>1</sup>, according to their adjournment from Windsor, the 26<sup>th</sup> of March last; and opened in form.

*Voted* that Col<sup>o</sup> JOHN BARRET be, and is hereby, appointed Clerk, pro tempore.

Assembly adjourned until tomorrow morning, eight o'clock, then to meet at the meeting house.

FRIDAY June 5<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted* that the Reverend M<sup>r</sup> Dewey<sup>2</sup> be presented with the Compliments of this House, to desire him to pray with this Assembly at their opening in the morning, for this present Session.

Assembly adjourned until two o'clock afternoon.

*Voted*, to accept the prayer of William Havilands petition, and that a

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1. This meeting place was the historic Catamount Tavern, the headquarters of the Green Mountain Boys and one of the famous taverns of northern New England. Capt. Stephen Fay, father of Jonas Fay, was the landlord. He had been an agent for the settlers in presenting their grievances to the New York colonial authorities in 1772. He sent five sons into the battle of Bennington, and one was killed. See Governor and Council, Vol. 2, Appendix A, for a description of the Catamount Tavern and its place in history, by Hiland Hall.

2. Rev. Jedediah Dewey came to Bennington in 1763 as pastor of the Congregational Church. At this time there were in the older colonies two Congregational factions known as the Old Lights, and the New Lights, or Separatists. The Separatist churches of Hardwick, Mass., and Sunderland, Mass., had united to form the Bennington church, many of the members having emigrated to the new settlement. The Separatists at Westfield, Mass., joined the Bennington colony and were accompanied by their pastor, Rev. Jedediah Dewey, who became pastor of the new church. Other Separatists came from Norwich, Conn. Mr. Dewey became one of the leaders of the new community. He was present when New York officials attempted to take possession of James Breakenridge's farm, Oct. 19, 1769, with the intention of surveying it and granting it to some partisan of the "Yorkers." The visiting officials found a group of farmers assembled with arms in their hands. There was no act of violence, but it was deemed prudent for the New York party to leave without attempting to dispossess Mr. Breakenridge, who had purchased, cleared and cultivated his farm, holding it under a New Hampshire title. Mr. Dewey and others were indicted, with Moses Robinson and other prominent residents of Bennington, for participating in an alleged "riot," but they were never arrested or placed on trial. Governor Tryon of New York addressed a letter to Mr. Dewey, dated May 19, 1772, intended for the residents of Bennington and vicinity. During all the controversy with New York and the early period of the Revolution Mr. Dewey was not only a spiritual but a political leader of his people in their efforts to preserve and protect their homes. He died Dec. 24, 1778.

Committee be appointed to examine into the premises contained in said petition, and make report to this House.

*Voted*, that Capt. John Fassett, M<sup>r</sup> John Burnham and M<sup>r</sup> Jonathan Waldo, be a Committee for the above purpose.

*Voted*, that the petition of the inhabitants of Pownall be taken into consideration, and that a Committee be appointed to report their opinion concerning the same.—Committee chosen, Lieut. [Thomas] Jewett, Capt. John Fassett and Ensign [Edward] Harris.

*Voted*, to take into consideration the difficulties attending the fishery in white river.

*Voted*, that the special courts appointed in the several Shires in this State, are not deemed County Courts agreeable to an Act<sup>r</sup> passed in this Assembly, at their Session in March last, relating to fishing &c.

Assembly adjourned until tomorrow morning, eight o'clock.

### SATURDAY June 6<sup>th</sup> 1778

Assembly met, according to Adjournment.

*Passed* an Act permitting gates to be erected on the Albany road, in Pownall.

*Voted* that the petition presented to this House by David Reading,<sup>2</sup> [Redding] be taken into consideration; and that a Committee of five be appointed to prepare a Bill, in consequence of said petition &c. Committee chosen—M<sup>r</sup> [Joshua] Webb, M<sup>r</sup> [Elijah] Alverd, Capt John Fassett, Ensign [Edward] Harris, and Maj<sup>r</sup> [Gideon] Olin.

Assembly adjourned, until two oclock, afternoon.

Assembly met, according to adjournment.

*Voted*, that the petition of William Haviland be withdrawn.

Assembly adjourned until next monday morning, eight oclock.

### MONDAY June 8<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted*, that Col<sup>o</sup> JOHN BARRET be, and is hereby, appointed an Assistant Clerk.

*Voted* to form a Bill for the regulating the sabbath, and that a Com-

1. "Within the meaning of an act," will make this vote intelligible.

2. David Redding had been convicted of "enemical conduct" and sentenced to be hanged on June 4, 1778. A multitude had assembled to witness the execution, but the point was raised that the prisoner had been convicted by a jury of six persons, which was contrary to the common law of Great Britain, which required a jury of twelve men. A reprieve, therefore, was granted. The crowd assembled, having expressed its indignation at the delay. Ethan Allen is said to have mounted a stump, explained the situation and advised them to return later, saying, "You shall see somebody hung at all events, for if Redding is not then hung, I will be hung myself." Redding was tried again on June 9, convicted and hanged on June 11. This was the first public execution in Vermont.—Governor and Council, Vol. 1, p. 261; Slade's Vermont State Papers, p. 269.

mittee of five be appointed for said purpose.—Committee chosen—  
M<sup>r</sup> [Thomas] Rowley, Capt. [Ebenezer] Curtis, Col<sup>o</sup> [John] Strong, M<sup>r</sup>  
[Elijah] Alverd and Capt. [Jacob] Kent.

*Voted*, to keep the first day of the week as the sabbath or Lords  
day,—and that M<sup>r</sup> [Hubbell] Wells, M<sup>r</sup> [Alexander] Harvey and Col<sup>o</sup>  
[John] Barrett be added to the above Committee.

*Voted*, to give a premium to encourage the destruction of Wolves<sup>1</sup>;  
and that a Committee of three be appointed to prepare a Bill to lay be-  
fore this House for the purpose aforesaid.—Committee chosen M<sup>r</sup>  
[Hubbell] Wells Esq<sup>r</sup> [John W.] Dana, and Ensign [Edward] Harris.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment, and adjourned until  
eight o'clock tomorrow morning.

### TUESDAY June 9<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted*, that M<sup>r</sup> Elijah Alverd be and he is hereby appointed a  
Monitor.

*Voted*, to receive M<sup>r</sup> Silas Hamilton's petition on file.

*Voted*, to take M<sup>r</sup> William Haviland's petition into consideration,  
and that a Committee of three be appointed, to look into the matters  
contained in said petition, and make report to this House.—Committee  
chosen—M<sup>r</sup> Simeon Hathaway, M<sup>r</sup> Jonathan Waldo, and Capt.  
Samuel Robinson.

*Voted*, that Doct<sup>r</sup> Jacob Rubach's petition be taken into considera-  
tion.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment, and adjourned until to-  
morrow morning, eight o'clock.

### WEDNESDAY June 10<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted*, that Doct<sup>r</sup> Samuel King have leave of absence.

*Voted*, that there be a Committee appointed to count the votes, or  
make a list of those towns that voted for the union.<sup>2</sup>

*Voted* that Col<sup>o</sup> [John] Barret, Capt. Ira Allen and Col<sup>o</sup> Peter  
Olcott be the Committee, for the aforesaid purpose.

Assembly adjourned, until two o'clock, afternoon.

1. The early settlers suffered much from the depredations of wolves, which often destroyed whole flocks of sheep in a night. It is related that they preyed upon the dead after the battle of Hubbardton. (See Crockett's History of Vermont, Vol. 2, pp. 83, 512.) At the October (1778) session of the Legislature, held at Windsor, a bounty of eight pounds was granted on full grown wolves.

2. See p. 9, Note 2.

Assembly met, according to adjournment.

*Voted*, to take a Vote of the Assembly at eight o'clock, tomorrow morning, respecting the Union.

Assembly adjourned, until tomorrow morning, eight o'clock.

### THURSDAY June 11<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted*, that the Union takes place—thirty seven in the affirmative and twelve in the negative, respecting the above union.<sup>1</sup>

*Voted*, that the bill presented to the House in conjunction with the Union, be accepted and pass.

*Voted*, that the request of General Stark, to raise a Subaltern and twenty men, to guard the stores at Bennington<sup>2</sup>, be complied with; and that a Committee be appointed to agree with a Subaltern for the aforesaid purpose. Committee chosen—Capt. John Fassett and Jonathan Fassett.

*Voted*, that their wages be four pounds, p<sup>r</sup> month.

*Voted*, that a Committee of three be appointed to adjust Doct<sup>r</sup> Dickenson's account against this State. Committee chosen—Doct<sup>r</sup> [Thomas] Amsden, Capt. [Ebenezer] Curtiss and Capt. [Thomas] Rowley

Assembly adjourned, until five o'clock, afternoon.

Assembly met, according to adjournment.

*Voted*, that a Committee of three be appointed to form a bill to lay before this House, relative to raising the men to guard the Stores &c.—Committee chosen—Col<sup>o</sup> [John] Barret, Ensign [Edward] Harris and M<sup>r</sup> Alexander Harvey.

*Voted*, to receive William Millens petition into consideration—Said petition is dismist.

*Voted*, to take into consideration the petition of Giles Alexander.

*Voted*, to take into consideration the petition of John Cannon and that a Committee of three be appointed to take into consideration the above petition, and report to this House.—Committee chosen—Capt. Jonathan Fassett, Col<sup>o</sup> [John] Strong and Capt. [Thomas] Rowley.

*Voted*, that a Committee of five be appointed to look into the affair of Giles Alexander's petition—Committee chosen—Major [John]

1. See p. 9, Note 2.

2. The possession of these stores was the principal object of the British expedition of August, 1777, and their defense resulted in the battle of Bennington. General Stark remained at Bennington nearly a month after the battle. General Lincoln was also stationed at Bennington during the latter part of August and the early part of September, 1777, engaged in assembling troops for an attack upon General Burgoyne. The Council of Safety at Bennington directed its secretary, Joseph Fay, to call the attention of General Gates to the need of barracks and a hospital at Bennington, as it had become a "place where soldiers rendezvous."—Crockett's History of Vermont, Vol. 2, pp. 153-155.

Shepherdson, Col<sup>o</sup> [Benjamin] Carpenter, Col<sup>o</sup> Samuel Fletcher, Capt Samuel Robinson and Capt. [Ebenezer] Curtiss.

Assembly adjourned, until eight o'clock, tomorrow morning.

FRIDAY June 12<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted*, that a Committee of three be appointed to draw instructions for the Committee appointed to look into Giles Alexander's petition. Committee chosen—Maj<sup>r</sup> [Gideon] Olin, Col<sup>o</sup> [John] Barrett, and M<sup>r</sup> Alex<sup>d</sup> Harvey.

*Voted*, in the House of Assembly, with the advice of the Council, that one hundred men out of Col<sup>o</sup> Beadles [Bedel's] Regiment<sup>1</sup>, be sent to guard the frontiers, the west side of the mountains.

*Voted*, that Col<sup>o</sup> [John] Strong keep his seat in this House.

*Voted*, that M<sup>r</sup> Zadock Remington<sup>2</sup> be dismist or expelled this House.

*Voted*, that Esq<sup>r</sup> [Charles] Brewster<sup>3</sup> be expelled or dismist this House.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

*Voted*, to take Capt. Samuel Robinsons petition into consideration.

*Voted*, that M<sup>r</sup> Thomas Tuttle<sup>4</sup> be expelled this House.

*Voted*, that M<sup>r</sup> Simeon Chandler retain or keep his seat in this House.

*Voted*, to take into consideration the petition of Col<sup>o</sup> Warren, and that a Committee of three be appointed to look into said petition; Committee chosen—John Fasset Esq<sup>r</sup> Doct<sup>r</sup> [Thomas] Amsden and Capt. [Ebenezer] Curtiss.

*Voted*, that Capt. Curtiss be a Committee to wait on his Excellency, with Col<sup>o</sup> Warren's petition.

*Voted*, that Capt. Smith's petition be taken into consideration, and that a Committee of three be appointed to look into the prayer of said petition and report to this House.—Committee chosen—Mr. Moses Robinson, Martin Powel Esq<sup>r</sup> and M<sup>r</sup> Ebenezer Hurlbard.

1. Col. Timothy Bedel was commander of a regiment of New Hampshire Rangers in the Canadian campaign of 1775. He had served in the French and Indian War and was present at the surrender of Montreal in 1760. Gen. Jacob Bayley sent Bedel and a few companions into Canada as scouts in October, 1778, to secure information concerning the advisability of attempting another Canadian invasion.—Governor and Council, Vol. 1, pp. 258-164.

2. Zadock Remington was one of the early settlers of Castleton and a tavern keeper before and during the Revolutionary War. He was supposed to incline toward the British side of the controversy, without being an active partisan.

3. Charles Brewster of Tinmouth had been a delegate to the Windsor convention that adopted the Vermont Constitution. The reason for expulsion does not appear.

4. Capt. Thomas Tuttle, according to Hemenway's Gazetteer, as shown in the Brandon sketch in volume 3, had performed his share of war duty for the American cause and had attended the Dorset convention of 1776. The cause of his expulsion is not given.

*Voted*, to take Col<sup>o</sup> Ethan Allens petition into consideration.  
Assembly adjourned until eight o'clock, tomorrow morning.

SATURDAY June 13<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted*, that the Committee appointed to look into the affair of Giles Alexander's petition meet at M<sup>r</sup> Elijah Alverd's, in Wilmington, on the second thursday of September next.

Capt. John Maston took his seat in this Assembly.

*Voted*, that a Committee of five be appointed, to prepare a bill, relative to raising troops to guard the frontiers<sup>1</sup>, and lay the same before this House.—Committee chosen—Col<sup>o</sup> [John] Barrett, Jonat<sup>h</sup> Fassett Esq<sup>r</sup>, John W. Dana Esq<sup>r</sup> Capt. [Ebenezer] Curtiss and Capt. Thomas Rowley.

*Voted*, to take Joseph Marsh's petition into consideration.

*Voted* that Col<sup>o</sup> Ethan Allen's petition be granted.

*Voted*, that Maj<sup>r</sup> Olin apply to the Governor and Council for directions, relative to the support of Tory families, for the future.

*Voted*, that a Committee of three be appointed, to prepare a bill to lay before this House, setting forth how the several Towns shall be supplied with Gun powder, lead, flints &c. Committee chosen—Capt. [Thomas] Rowley, Elijah Alverd and Col<sup>o</sup> [John] Strong.

M<sup>r</sup> [Stephen] Washbourn and [Zadock] Everest have leave of absence until monday, eight o'clock.

Assembly adjourned, until two oclock, afternoon.

Assembly met, according to adjournment.

*Voted*, that one sixth part of the Militia, south of Danby and Pollet, [Pawlet] be immediately sent to guard the frontiers of this State.

*Voted*, that a Committee of three be appointed to take Doct<sup>r</sup> Jacob Rubach's petition into consideration and Report to this House.—Committee chosen. M<sup>r</sup> [Joshua] Webb Capt. [Ebenezer] Curtiss and Maj<sup>r</sup> [Gideon] Olin.

*Voted*, that Capt. Jonathan Fassett have leave of absence, until monday next,—and Capt. John Fassett have leave of absence, until monday next.

1. Capts. Ebenezer Allen and Isaac Clark in the spring of 1778 were assigned to guard the northern frontiers, exposed to attacks from Canada. On March 6, Captain Allen was ordered to raise men and post them at a fort at New Haven. Governor Chittenden, signing himself Captain General, wrote Col. Samuel Fletcher, on June 13, 1778, reporting that a British scouting party of five hundred men was at Crown Point, on the way back from "a scalping tour" in Tryon County (N. Y.) Fearing an attack on the post at Rutland he asked Colonel Fletcher to raise reinforcements, saying: "I flatter myself you will not lose one minute's time in executing such orders. Pray, sir, consider the distress of the poor frontier inhabitants, who are hourly in jeopardy of their lives."—Governor and Council, Vol. 1, pp. 265-267.

*Voted*, to take Capt. Clarks petition into consideration, on monday next, two oclock, P. M.

Assembly adjourned until monday next, eight oclock, in the morning.

### MONDAY June 15<sup>th</sup> 1778

Assembly met, according to adjournment.

Capt. William Gallop [Gallup] took his seat in this House.

Capt. Edmund Hodges took his seat in this House.

*Voted* Matthew Hammon's petition be received on file.

*Voted*, that a Committee of three be appointed to draw in instructions to the petition of Daniel Smith. Committee chosen—Capt. [Thomas] Rowley, Col<sup>o</sup> [John] Strong and M<sup>r</sup> [Abraham] Jackson.

Assembly adjourned, until two oclock, afternoon.

Assembly met, according to adjournment.

According to a Resolution of the 13<sup>th</sup>, took the petition of Capt. Clark into consideration, and Voted it in the negative.

*Voted*, to take the petition of the Reverend Doct<sup>r</sup> Wheelock into consideration.

*Voted* to take the incorporated university of Dartmouth, under the patronage of this State.<sup>1</sup>

*Voted* that the Rev'd Doct<sup>r</sup> Eleazar Wheelock be appointed, and Commissioned, as a Justice of the peace for said incorporated society.

*Voted*, that the trustees of Dartmouth Colledge have power to chuse or nominate, an assistant Justice to the Rev'd Eleazar Wheelock, D. D.

*Voted*, that a Committee of three be appointed to revise the Act against counterfeiting bills of Credit &c.—Committee chosen—Col<sup>o</sup> [John] Barrett, Capt. [Ebenezer] Curtiss and John Fassett Esq<sup>r</sup>.

Assembly adjourned, until eight oclock, tomorrow morning.

### TUESDAY June 16<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted*, that a Committee of six be appointed to form a bill, relative to county elections, and make report to this House—Committee chosen—M<sup>r</sup> [Joshua] Webb, Ensign [Edward] Harris, Capt. [Thomas] Rowley,

1. At this time no collegiate institution had been chartered in Vermont. The Legislature had voted four days earlier to annex sixteen New Hampshire towns to Vermont which brought Dartmouth College within the limits of this State. Later the Legislature granted the township of Wheelock to Dartmouth College and Moor's Charity School. President Wheelock proposed that the college lands set apart by the Legislature in making grants of new townships be given to Dartmouth College, and he offered in return to educate Vermont students free of charge. The Legislature did not accept this proposal and soon discontinued its support of Dartmouth College. See Dartmouth College and the State of Connecticut by John L. Rice in Proceedings of the Connecticut Valley Historical Society; also Governor and Council, Vol. I, p. 278.

M<sup>r</sup> [Alexander] Harvey, Capt. [Edmund] Hodges and Capt. [Ebenezer] Curtiss.

*Voted* that a Committee of five be appointed to prepare a bill to preserve all white pine timber in this State, fit for masting<sup>1</sup> &c.—Committee chosen—Esq<sup>r</sup> [Moses] Robinson, Capt. [Jacob] Kent, Col<sup>o</sup> [John] Strong, Col<sup>o</sup> [John] Barrett and Capt. [Ebenezer] Curtiss.

Assembly adjourned, until two o'clock, afternoon.

Assembly met, according to adjournment.

*Voted*, to proceed in County elections, immediately.

*Voted* that a Committee of four be appointed to apply to the Governor and Council for direction and information, relative to Capt. Clark's petition.—Committee chosen—Ensign [Edward] Harris, M<sup>r</sup> [Joshua] Webb, Capt. John Fasset, and M<sup>r</sup> [Elijah] Alverd.

Assembly adjourned, until tomorrow morning, eight o'clock.

### WEDNESDAY June 17<sup>th</sup> 1778

Assembly met, according to adjournment, and adjourned until two o'clock, afternoon.

Assembly met according to adjournment.

*Voted* that the following persons, viz.—John Shepherdson Esq<sup>r</sup>, Stephen Tilden Esq<sup>r</sup>, Hezekiah Thomson, Esq<sup>r</sup> Col<sup>o</sup> Samuel Fletcher, and M<sup>r</sup> Joshua Webb be, and they are hereby, appointed Judges of a Special Court, in the Shire of Westminster.

*Voted*, that Deacon Smalley, Deacon John Burnet, William Heaton Esq<sup>r</sup>, M<sup>r</sup> Benjamin Baldwin, and Reuben Foster Esq<sup>r</sup>, be, and they are hereby, appointed Judges of a Special Court, for the Shire of Newbury.

*Voted*, that Samuel Robinson Esq<sup>r</sup> Martin Powel Esq<sup>r</sup>, John Fasset Esq<sup>r</sup>, Thomas Jewet Esq<sup>r</sup> and Maj<sup>r</sup> Gideon Olin, be and they are hereby appointed Judges of a Special Court, for the Shire of Bennington.

*Voted* that Thomas Rowley<sup>2</sup> Esq<sup>r</sup> Maj<sup>r</sup> Hebar Allen, Capt. John Starks [Stark], Capt. Johnathan Fasset and Thedous [Thaddeus] Curtis, be and they are hereby appointed Judges of a Special Court, for the Shire of Rutland.

*Voted*, that a Committee of three be appointed to confer with M<sup>r</sup> M<sup>c</sup> Connel, a wire drawer, and Card maker, and make Report what premium they shall judge ought to be given to said M<sup>c</sup> Connel, if he will set up the above manufactory in this State.—Committee chosen—Capt. [Thomas] Rowley, M<sup>r</sup> [Joshua] Webb and John Fasset Esq<sup>r</sup>.

*Voted*, that a Committee of three be appointed, to adjust the

1. In charters granted by Governor Wentworth of New Hampshire of townships now located in Vermont a similar reservation was made "of all white and other pine trees within the said township fit for masting Our Royal Navy."

2. Thomas Rowley was the first Vermont poet and was also active in public affairs. See History of Shoreham by J. F. Goodhue, pp. 163-179, for sketch.

accounts of wounded men &c.—Committee chosen—Nathan Clark Esqr, Capt. Elijah Dewey, and Simeon Hathaway Esqr, to join a Committee from the Council.

*Voted*, that the Representatives be allowed the same wages as was allowed them, at their last Session.

*Voted*, that a Committee of three be appointed to adjust the Representatives accounts—Committee chosen—Col<sup>o</sup> [John] Barrett, Capt. John Fassett, and Capt. [Ebenezer] Curtis.

*Voted*, that Col<sup>o</sup> Ethan Allen, Nathan Clark Esqr, M<sup>r</sup> Joseph Bradley, M<sup>r</sup> Reuben Harmon and Joseph Fay Esqr be the officers pursuant to Col<sup>o</sup> Ethan Allen's request.

Assembly adjourned, until eight o'clock, tomorrow morning.

### THURSDAY June 18<sup>th</sup> 1778

Assembly met, according to adjournment.

*Voted*, that the petition, signed Joseph Bowker and others, be received on file, and to be taken into consideration, some future time.

*Voted*, that Col<sup>o</sup> Peter Olcott, Bezaleel Woodward Esqr, Maj<sup>r</sup> [Isaac] Griswold [Griswold], Patterson Piermont Esqr and Maj<sup>r</sup> [Joseph] Tyler, be and they are hereby appointed Judges of the Superior Court, for the banishment of tories &c.

*Voted*, that a Committee of three be appointed to prepare a form for a deed &c.—Committee chosen.—Capt. [Ebenezer] Curtis, Capt. John Fassett and Col<sup>o</sup> [John] Barrett.

*Voted*, to take M<sup>r</sup> Alverds petition into consideration, and that a Committee of three be appointed to look into the prayer of said petition.—Committee chosen—Capt. Jonathan Fassett, Col<sup>o</sup> [John] Strong and M<sup>r</sup> [Thomas] Chandler.

*Voted*, that a Committee of five be appointed to report their opinion what shall be done with tory women and Children &c.—Committee chosen—M<sup>r</sup> Moses Robinson, Capt. [William] Gallop, Capt. [Edmund] Hodges, M<sup>r</sup> [Elijah] Alverd and M<sup>r</sup> [Alexander] Harvey.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

*Voted*, that the Representatives have three dollars p<sup>r</sup> day, from the time they left home, and four pence p<sup>r</sup> mile, for horse travel; and that the Counsellors be allowed the same wages.

*Voted*, to raise twenty men to guard the frontiers from White River to Strafford & Corinth, to the lakes &c.

*Voted*, that Capt. [Edmund] Hodges have the command of said guard, as a Subaltern.

*Voted*, that four pounds p<sup>r</sup> month, and forty Shillings bounty, be allowed each soldier, above mentioned.

*Voted*, that Capt. [Thomas] Rowley take copies of the several Acts

of this Assembly, and furnish each town in the Shire of Rutland with the same.

*Voted* that Benjamin Fassett be and hereby is appointed Clerk for the District of Bennington.

*Voted* Moses Robinson, Clerk for the district of Manchester.

*Voted*, that the Clerks for the several districts take coppies of the Acts for the electing Justices of the Peace, and Judges of Probate.

*Voted*, that this Assembly be adjourned, and it is hereby adjourned, until his Excellency the Governor commands them to meet.

PROCEEDINGS  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT

AT THEIR SESSION AT WINDSOR OCTOBER 8<sup>th</sup> A. D. 1778.



## PROCEEDINGS &c.

The Assembly being met, proceeded to choose a Clerk; when BEZALEEL WOODWARD<sup>r</sup> Esq<sup>r</sup> was chose and took the Oaths required by the Constitution, to quallify him for that office.

Attest

THO. CHANDLER Jun<sup>r</sup> Sec<sup>y</sup>

Chose THOMAS CHANDLER Jun<sup>r</sup> Esq<sup>r</sup> Speaker; and he accordingly took the Oaths required by the Constitution to quallify him for that office.

Attest

BEZA WOODWARD Clerk

The House then proceeded to examine the Certificates of the members, whereby it appears that the following Towns had duly appointed the persons whose names are annexed to them, to represent them, in the General Assembly of this State, for the ensuing year, viz.

Pownal,— { Major Joseph Williams,  
Capt. Eli Noble.  
Bennington,— { Capt. John Fassett,  
Col<sup>o</sup> Ebenezer Walbridge.  
Shaftsbury, { Major Gideon Olin,  
M<sup>r</sup> John Millington.  
Arlington, { John Fassett Jun<sup>r</sup> Esq<sup>r</sup>,  
Col<sup>o</sup> Ethan Allen,  
Sandgate,— M<sup>r</sup> Reuben Thomas  
Sunderland,— M<sup>r</sup> Joseph Bradley.  
Manchester, { Capt. Gideon Ormsby,  
Martin Powel Esq<sup>r</sup>.  
Dorset, Capt. Abraham Underhill  
Report, [Rupert]— Moses Robinson Esq<sup>r</sup>  
Pollet, [Pawlet]— M<sup>r</sup> Gideon Adams.  
Danby,— Thomas Rowley Esq<sup>r</sup>  
Wells,— M<sup>r</sup> Ithamir Hibbert  
Putney, [Poultney]— Will<sup>m</sup> Ward Esq<sup>r</sup>  
Clarendon,— Lieut. Abner Lewis  
Wallingford,— M<sup>r</sup> Abraham Jackson  
Ruland, { Capt. Zebulon Mead,  
Lieut Roswel Post.  
Castleton, Jesse Belknap Esq<sup>r</sup>  
Pittsford, Jonathan Fassett Esq<sup>r</sup>  
Neshobe, [Brandon] Capt. Josiah Powers

Cornwell, [Cornwall] Doct<sup>r</sup> Nathan Foot.  
Guilford { Capt. Comfort Starr,  
Capt. Levi Goodner[Goodenough]  
Halifax, { Edward Harris Esq<sup>r</sup>  
Hubbel Wells Esq<sup>r</sup>  
Whitingham, Lieut. Silas Hamilton  
Wilmington, M<sup>r</sup> Elijah Alvord  
Dummerston, Capt. Jonathan Knights  
Townshend, Col<sup>o</sup> Samuel Fletcher.  
Putney, M<sup>r</sup> Abner Miles,  
Westminster, Nathaniel Robinson Esq<sup>r</sup>  
Rockingham, { Doct<sup>r</sup> Reuben Jones &  
Joshua Webb Esq<sup>r</sup>  
Kent, [Londonderry]— Deacon Edward  
[Aikin].  
Springfield, Lieut. Samuel Scott.  
Chester,— Major Thomas Chandler  
Weathersfield,— Capt. William Upham  
Windsor,— { Capt. Ebenezer Curtiss  
Thomas Cooper Esq<sup>r</sup>  
Hertford, [Hartland]— M<sup>r</sup> William Gallop.  
Woodstock, { — Capt. Phineas Williams,  
Capt. John Strong.  
Hartford,— Stephen Tilden Esq<sup>r</sup>  
Pomfret— Capt. John Throop

i. Bezaleel Woodward was a professor of mathematics and natural philosophy in Dartmouth College and a son-in-law of President Wheelock of Dartmouth. For biographical sketch see Governor and Council, Vol. 2, p. 114.

*Barnard*,—Capt. Edmond Hodges.  
*Sharon*,—M<sup>r</sup> Benjamin Spalding  
*Royalton*,—Lieut. Jos. Parkhurst.  
*Thetford*,—Timothy Bartholomew Esq<sup>r</sup>  
*Strafford*, M<sup>r</sup> Frederick Smith.  
*Farlee*, Ichabod Ormsby Esq<sup>r</sup>.  
*Moretown*, (Bradford) M<sup>r</sup> Benjamin Baldwin.  
*Corinth*, M<sup>r</sup> Joshua Nutting.  
*Newbury*, Col<sup>o</sup> Jacob Kent.  
*Lebanon*, { Doct<sup>r</sup> Nehemiah Easterbrook  
*Enfield*, Joshua Wheatley Esq<sup>r</sup>  
*Enfield*, Bela Turner Esq<sup>r</sup>

*Dresden*, Bezaleel Woodward Esq<sup>r</sup>  
*Hanover*, { Jonathan Freeman Esq<sup>r</sup>  
*Capt. David Woodward*.  
*Canaan*, Thomas Baldwin Esq<sup>r</sup>  
*Cardigan*, Col<sup>o</sup> Elish Payne.  
*Orford*, Col<sup>o</sup> Israel Morey.  
*Piermont*, M<sup>r</sup> Abner Chandler.  
*Haverhill*, Major James Bailey.  
*Gunthwaite*, John Young Esq<sup>r</sup>  
*Landaff*, M<sup>r</sup> Nathaniel Rogers.  
*Norwich*, { M<sup>r</sup> Abel Curtiss.  
*Capt. Joseph Hatch*.  
*Barnet*, M<sup>r</sup> Alexander Harvey.

A messenger was then sent from the House, to his Excellency the Governor, and the honorable Council, that the Assembly were ready to attend divine service; which was accordingly attended at the meeting House.

The Representatives present, then took the Oaths required by the Constitution, to qualify them to Act as Members of Assembly.

Chose Col<sup>o</sup> [Elisha] Payne, Col<sup>o</sup> [Ebenezer] Walbridge, John Fassett Jun<sup>r</sup> Esq<sup>r</sup>, Capt. [Ebenezer] Curtiss, Capt. [John] Young, and Col<sup>o</sup> [Samuel] Fletcher, a Committee to join a Committee from the Council, in counting and sorting votes for Governor, Lieut. Governor, twelve Counsellors, and a Treasurer for this State, for the year ensuing; who were sworn by the Clerk to a faithful discharge of that trust.

The joint Committee having sorted and counted the votes, declared the following persons chosen, viz.

His Excellency, THOMAS CHITTENDEN Esq<sup>r</sup> Governor.

His Honor, JOSEPH MARSH Esq<sup>r</sup> Lieutenant Governor.

The Honorable, JOSEPH BOWKER, JACOB BAILEY, PETER OLcott, PAUL SPOONER, TIMOTHY BROWNSON, JONAS FAY, BENJAMIN CARPENTER, MOSES ROBINSON, JEREMIAH CLARK, IRA ALLEN, THOMAS MURDOCK, and ELISHA PAYNE Esquires, Counsellors.

IRA ALLEN ESQUIRE, Treasurer.

Of all which, public proclamation was duly made, by the Sheriff.<sup>1</sup>

Assembly then adjourned till tomorrow morning, nine oClock, then to be held at this place.

FRIDAY, OCTOBER 9<sup>th</sup>

Assembly met, according to adjournment.

Voted, and Resolved, that every person is required by the Constitution to renew the oath of allegiance, as well as the oath of office, on every new appointment, before he enters on the execution of his office.

Chose Col<sup>o</sup> [Elisha] Payne, M<sup>r</sup> [Jonathan] Freeman and John

1. For several years after the capital had been established at Montpelier it was customary for the Sheriff of Washington County to proclaim the election of State officials from the portico of the State House. It was also the duty of the Sheriff, bearing a sword, to escort the Governor from the temporary residence of the latter to the Council Chamber

Fassett Jun<sup>r</sup> Esq<sup>r</sup> a Committee to make a draft of rules and orders, necessary for the regulation of the Assembly.

Assembly adjourned to 2<sup>o</sup> Clock, afternoon.

Two o'clock. Assembly met according to adjournment.

*Chose* JOSEPH FAY<sup>1</sup> Esquire, Secretary of this State the year ensuing.

*Voted*, and *Resolved*, that Jon<sup>th</sup> Freeman Esq<sup>r</sup> and Capt. David Woodward be a Committee to wait on the Reverend Eden Boroughs, and return him the thanks of this Assembly, for the sermon delivered by him to them, yesterday; and that they desire a copy thereof, for the Press.

*Voted*, and *Resolved*, that Mr [Bezaleel] Woodward and Col<sup>o</sup> [Israel] Morey be a Committee to procure three hundred copies of the above mentioned Sermon printed at the expence of this State.

*Voted*, and *Resolved*, that Thursday, the twenty-sixth day of November next, be observed as a day of public and solemn Thanksgiving to Almighty God, for his manifold mercies; and that his Excellency the Governor be desired to Issue his proclamation therefor.

*Voted* and *Resolved* that Capt. G. Ormsbee, Col<sup>o</sup> [Israel] Morey and Col<sup>o</sup> [Ebenezer] Walbridge be a Committee to take into consideration the case of W<sup>m</sup> Moor, who stands bound to this Assembly: and that they report measures proper to be taken thereon.

Adjourned 'till tomorrow morning, 8 o'clock.

### SATURDAY MORNING 8 OCLOCK

Assembly met according to adjournment.

On the motion of Col<sup>o</sup> [Peter] Olcot, in behalf of the Town of Norwich,—*Voted*, and *Resolved*, that an order be issued by the Clerk to the freemen of the Town of Norwich, to choose two members, to Act in General Assembly, in lieu of the two members they chose on the first Tuesday in September, who are elected Counsellors, and accepted thereof, and are, thereby, disqualifed from Acting as members of this Assembly; and that the Constable of Norwich be directed, forthwith, to warn a meeting of said freemen, for that purpose; giving notice four days before the time of holding the meeting.

*Voted*, and *Resolved*, that Judah Paddock and Alden Spooner<sup>2</sup> be, and are hereby, appointed Printers for the General Assembly of this State.

*Voted*, and *Resolved*, that Col<sup>o</sup> [Elisha] Payne, Doct<sup>r</sup> [Reuben] Jones, and Capt. [Joshua] Wheatley be a Committee to draught a Letter to the honorable President and Council of New Hampshire, informing them that this Assembly are possessed of a letter to his Excellency Gov<sup>r</sup>

1. For biographical sketch of Joseph Fay see Governor and Council, Vol. 1, pp. 122-123.

2. See Governor and Council, Vol. 2, p. 12.

Chittenden of the 22<sup>d</sup> of August last from the said President<sup>r</sup>; and of hostilities in the Town of Enfield; and to request that they use measures to prevent them, in future.

Adjourned, until monday morning, 8 oclock.

MONDAY 12<sup>th</sup> Oct<sup>r</sup> 8 Oclock

Met according to adjournment.

*Voted*, and *Resolved*, that Abel Spencer's Petition for two eleven acre lots of Land in Clarenden, be granted, and that Col<sup>o</sup> Claghorne, Commissioner of the sale of Confiscated lands in said Clarenden, be directed to give said Abel Spencer a Deed of the lots before mentioned in the name and behalf of the freemen of the State.

Adjourned until 2 o'clock afternoon.

Two oclock. Assembly met according to adjournment.

*Voted*, and *Resolved*, that his Excellency the Governor, and the honorable the Council, be desired to join with this Assembly in a Committee of the whole, tomorrow morning, at nine oclock, to take into consideration the subject of the Letter of the 22<sup>d</sup> August last, from the Hon<sup>ble</sup> Meshech Weare Esq<sup>r</sup>, President of the Council of New Hampshire, to his Excellency Governor Chittenden.

*Granted* the Widow Anna Hurd's petition to have the use of her late husband's farm, free of rent, during the pleasure of this Assembly.

*Granted* the petition of Joseph Tyler Esq<sup>r</sup>, for the sum of eleven pounds, twelve shillings, expence in curing wounds he received in the battle at Bennington.

*Voted*, and *Resolved*, that John Fassett Jun<sup>r</sup> Esq<sup>r</sup>, Capt. [Ebenezer] Curtiss and Doct<sup>r</sup> [Nathan] Foot, be a Committee to take into consideration sundry accounts exhibited for articles lost in public service, by sundry persons, last year.

The Committee appointed on the 10<sup>th</sup> instant, to draught a letter to the honorable President and Council of New Hampshire made their Report, as on file; which was read and approved.

*Voted*, and *Resolved*, to allow the Secretary, twenty one shillings pr day, during his actual service, in that office, since last March, in lieu of all other reward he may have been entitled to, by virtue of any Act, Vote, or Resolution, which has, heretofore, been passed by the General Assembly of this State.

*Voted*, and *Resolved*, that Capt. [Joshua] Wheatley and M<sup>r</sup> [Martin] Powel be a Committee to join one or more from the Council, to adjust accounts with the Treasurer for the year past; and that they report the state of them to this Assembly.

Adjourned until tomorrow morning, 8 oclock.

1. For text of letter see Slade's Vermont State Papers, p. 91.

TUESDAY OCTOBER 13<sup>th</sup>

Assembly met, according to adjournment.

*Voted* and, *Resolved*, that Mr [Ithamer] Hibbert, Mr [Moses] Robinson and Mr [Gideon] Adams be a Committee, to take into consideration the petition of Israel Burritt, of the 8<sup>th</sup> instant, and to report thereon to this Assembly, at their next Session.

*Voted*, and *Resolved*, that Doct<sup>r</sup> [Reuben] Jones, Capt. Jona<sup>th</sup> Fassett, and Capt. [Bela] Turner, be a Committee to take the petition of Eunice Cook of the 5<sup>th</sup> instant, into consideration, and report thereon.

Adjourned 'til 2 o'clock, afternoon.

Two OCLOCK. Assembly met, according to adjournment.

*Resolved*, that this Assembly now join his Excellency the Governor, and the honorable Council, in a Committee of the whole, to take into consideration the matters contained in the Letter of the 22<sup>d</sup> August last, from the honorable Meshech Weare Esq<sup>r</sup> President of the Council of New Hampshire, to his Excellency Governor Chittenden, and every matter which may relate to the subject therein contained; and that they report thereon, to this Assembly.

Adjourned until tomorrow morning, 8 o'clock.

WEDNESDAY 14 OCT<sup>r</sup> 1778

Assembly met, according to adjournment, and joined the Governor & Council, in Committee of the whole; on the subject entered upon yesterday.

Adjourned 'til 2 o'clock, afternoon.

Two oclock. Assembly met, according to adjournment.

Pursuant to an order from the Clerk of this Assembly to the town of Norwich, last Saturday, the Constable of said town makes return of Mr Abel Curtiss and Capt. Joseph Hatch, chosen agreeable to said order, to represent them in this Assembly; who were sworn and took their seats in the house.

Assembly then joined the Governor and Council, in Committee of the whole, on the same subject as heretofore.

Adjourned until tomorrow morning, 8 o'clock.

THURSDAY OCTOBER 15<sup>th</sup> 1778

Assembly met, according to adjournment, and continued in Committee of the whole, on the same subject.

Adjourned 'til 2 o'clock, afternoon.

Two OCLOCK. Assembly met, according to adjournment.

The Committee appointed the 12<sup>th</sup> instant, on the petition of Eunice Cook, made report as on file; which was read and approved.

*Ordered*, that a bill, in form, be brought in, accordingly; which was done and passed.

The Committee appointed last June, to take into consideration the petition of Nicholas Turner, made report, as on file; which was read and approved and *ordered* that a bill, in form, be accordingly brought in, relative thereto; which was brought in and passed.

Adjourned 'till tomorrow morning, 8 oclock.

#### FRIDAY OCTOBER 16<sup>th</sup>

Assembly met, according to adjournment.

*Resolved*, that Capt. G. Ormsbee, Col<sup>o</sup> [Israel] Morey, and Col<sup>o</sup> [Ebenezer] Walbridge, be a Committee to join a Committee from the Council, to take into consideration the cases of persons on whom judgment has been passed by the special Courts of Commissioners, appointed last June, for hearing and judging of treasonable Conspiracies &c. & that they report thereon to this Assembly.

*Resolved*, that Capt. [Edmund] Hodges, M<sup>r</sup> [Martin] Powel and Capt Jonathan Fassett, be a Committee to take into consideration the circumstances of the Soldiery who have been raised under this State, and make report to this House.

Adjourned until 2 oclock, afternoon—

Two OCLOCK Assembly met, according to adjournment, and proceeded on the business of the Committee of the whole.

Adjourned, until 8 oclock, tomorrow morning—

#### SATURDAY OCTOBER 17<sup>th</sup>

Assembly met, according to adjournment, and proceeded on the business of the Committee of the whole.—

Assembly reassumed the matters before them, and chose M<sup>r</sup> ABEL CURTIS, Clerk, pro tempore.

Upon the petition of Lemuel White, praying for a rehearing in a case of felony &c., as by said petition, bearing date, Oct<sup>r</sup> 7<sup>th</sup> 1778, on file, may appear:—Therefore, *Resolved*, that a Court be appointed, for the above purpose; and that a Bill, in form, be brought in.

Appointed Capt. David Woodward to join a Committee, appointed yesterday, in room of Col<sup>o</sup> [Israel] Morey, who is absent, for the purpose as is in said Resolve specified.

The Petition of William Williams, Gideon Granger &c. bearing date Oct<sup>r</sup> 9<sup>th</sup> 1778 being brought in and read—praying that a Road be repaired through Wilmington &c.—therefore, *Resolved*, to grant the said memorialists the request therein specified, as on file may appear; and that a Bill in form, be brought into this House.

Adjourned, until two oclock, afternoon.

Assembly met, according to adjournment. And adjourned until monday next, at nine oclock in the forenoon.

MONDAY OCT<sup>R</sup> 19 1778

Assembly met according to adjournment. Adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

At which time the joint Committee of Governor, Lieut. Gov<sup>r</sup>, Council and Assembly made their Report, as on file may appear—And the consideration thereof defered until tomorrow.

*Resolved*, that all the non-commissioned officers and soldiers, belonging to this State, which have been, or may be, raised for the defence thereof, for the present campaign, shall be entitled to fifty shillings per month, in addition to the sums established by the Continental Congress, to be allowed as wages in such cases.

Adjourned until tomorrow morning, eight o'clock.

TUESDAY October 20<sup>th</sup> 1778.

Assembly met, according to adjournment.

The report of the joint Committee of Governor, Lieut. Governor, Council and Representatives made yesterday to this Assembly was read and approved—And thereupon, *Resolved*, that the first and second articles in the Report of measures proposed by the joint Committee<sup>1</sup>, be transmitted to the President of the hon<sup>ble</sup> Continental Congress, and to the President of the Council of New Hampshire, with proper letters accompanying them.

*Resolved* that Col<sup>o</sup> [Elisha] Paine, M<sup>r</sup> [Reuben] Jones and M<sup>r</sup> [Bezaleel] Woodward, be a Committee to join a Committee from the Council, to make a draught of the above mentioned letters, to be laid before this Assembly.

*Resolved*, that a Committee be chosen, by ballot, to draw up the proposed declaration, at large to be laid before this Assembly. Chose Col<sup>o</sup> [Ethan] Allen, Col<sup>o</sup> [Elisha] Payne, Doct<sup>r</sup> [Jonas] Fay, M<sup>r</sup> [Bezaleel] Woodward and Genl [Jacob] Bayley, a Committee for the above purpose.

*Resolved*, that the two first articles in the report of measures proposed to be pursued for the establishment of the State, be printed, in hand bills, and transmitted to all the towns on the New Hampshire Grants.

*Resolved* that this Assembly have no cognizance of the matters contained in the petition of Giles Alexander &c., dated June 9<sup>th</sup> 1778; and that it be accordingly dismissed.

1. Slade's Vermont State Papers, pp. 95-96.

*Resolved*, that two loan offices<sup>1</sup> be established in the State, viz, one on each side of the Mountains.

*Chose* IRA ALLEN Esq<sup>r</sup> trustee of the loan office, on the west side of the mountains, and PAUL SPOONER<sup>2</sup> Esq<sup>r</sup>, trustee of the loan office on the east side of the mountains, for the year ensuing.

*Resolved*, That the Committee appointed on the 12<sup>th</sup> inst. to settle with Ira Allen Esq<sup>r</sup>, as treasurer of this State, for the past year, be and are hereby empowered and directed to settle with him, as a trustee of the loan office, in this State, for the year past; and that they report the State of accounts of said office, to this Assembly.

Adjourned untill two o'clock afternoon.

Assembly met, according to adjournment.

The petition of Edward Aikin and other inhabitants of Kent, [Londonderry] bearing date the 8<sup>th</sup> instant, was read; whereupon, *Resolved*, that Maj<sup>r</sup> [Thomas] Chandler, Col<sup>o</sup> [Samuel] Fletcher and Doct<sup>r</sup> [Reuben] Jones, be and are hereby appointed a Committee, to examine into the facts alleged in said petition, and report the same to this Assembly, at their next Session.

An act prohibiting the exportation of provisions<sup>3</sup>, til the first day of August next, passed.

An Act for authenticating deeds and conveyances, passed.

*Resolved*, that M<sup>r</sup> Nathaniel Robinson, Col<sup>o</sup> [Elisha] Paine, M<sup>r</sup> [Bezaleel] Woodward, Capt. John Fassett Jun<sup>r</sup>, M<sup>r</sup> [Roswell] Post, Capt. [John] Throop; Capt. [Ebenezer] Curtiss, Maj<sup>r</sup> [James] Bailey and M<sup>r</sup> [Hubbel] Wells, be a Committee to join a Committee from the Council, to draw a Bill to be laid before this Assembly, for dividing the State into four counties.

1. See p. 61 for an attempt to raise money by a lottery under State auspices for capital for a loan office. The convention held at Windsor, July 2-8, 1777, which adopted the Constitution of the State, voted to establish a loan office and appointed Ira Allen its trustee. An advertisement over Allen's signature in the *Connecticut Courant* of Aug. 18, 1777, gave the information "that agreeably to a resolution of the Convention" he had opened a loan office at Bennington. Any person who was disposed to lend a sum not less than ten pounds might receive the security of the State payable in one year, or more, with interest at 6 per cent per annum. (*Governor and Council*, Vol. 1, p. 75) The Assembly on March 10, 1780, accepted a report of a committee appointed to prepare a plan for the defence of the northern frontiers for loan office certificates if the revenue from the sale of public lands was not sufficient for raising the funds needed, and the form of certificate to be issued is given.

2. For biographical sketch of Dr. Paul Spooner see *Governor and Council*, Vol. 1, p.

129.

3. The Council of Safety had passed a resolution on Jan. 14, 1778, prohibiting the transportation out of the State, or the sale to any person not a resident of the State (Continental stores excepted), of any wheat, rye, Indian corn, flour or meal. The reason given for the order was the fact that many of the inhabitants of the State had been driven from their homes by the enemy during the preceding year, being unable to harvest their crops, or to make preparations for securing seed for new crops. For this reason there appeared to be "great danger of such inhabitants and others suffering for want thereof."—*Governor and Council*, Vol 1, p. 207.

*Resolved*, that Mr [Martin] Powel, Capt. [Bela] Turner and Mr [Joshua] Webb, be a Committee to join a Committee from the Council, to draw a bill for the establishment of fees, fines and penalties, having respect therein, to the present State of the currency.

An Act concerning the payment and disposal of fees, fines and penalties, passed.

Assembly adjourned, until tomorrow morning, eight o'clock.—

WEDNESDAY October 21<sup>st</sup> 1778

Assembly met according to adjournment.

The following questions were proposed and answered<sup>1</sup> as herein stated, viz.

*Question 1<sup>st</sup>* Whether the Counties in this State shall remain as they were established by this Assembly at their Session in March last.

Yea	35 viz.	Nay	26 viz.
Capt. Noble		Col <sup>o</sup> Walbridge	
Capt. John Fassett		M <sup>r</sup> Jackson	
M <sup>r</sup> Milington		M <sup>r</sup> Alverd	
Capt. Jn <sup>o</sup> Fassett Jun <sup>r</sup>		M <sup>r</sup> Aikin	
M <sup>r</sup> Thomas		M <sup>r</sup> Tilden	
M <sup>r</sup> Bradley		M <sup>r</sup> Bartholomew	
Capt. G. Ormsby		M <sup>r</sup> Smith	
M <sup>r</sup> Powell		M <sup>r</sup> B. Baldwin	
Capt. Underhill		M <sup>r</sup> Nutting	
M <sup>r</sup> Moses Robinson		M <sup>r</sup> Foster	
M <sup>r</sup> Adams		M <sup>r</sup> Easterbrook	
M <sup>r</sup> Rowley		Capt. Wheatley	
M <sup>r</sup> Ward		Capt. Turner	
M <sup>r</sup> Lewis		M <sup>r</sup> Freeman	
M <sup>r</sup> Post		Capt. Woodward	
M <sup>r</sup> Belknap		M <sup>r</sup> T. Baldwin	
Capt. Jon <sup>a</sup> Fassett		Col <sup>o</sup> Paine	
Capt. Powers		M <sup>r</sup> Chandler	
M <sup>r</sup> Foot		Maj <sup>r</sup> Bailey	
Capt. Starr		Capt. Young	
M <sup>r</sup> Wells		M <sup>r</sup> A. Curtiss	
M <sup>r</sup> Hamilton		Capt. Hatch	
Capt. Knight		M <sup>r</sup> Parkhurst	
Col <sup>o</sup> Fletcher		M <sup>r</sup> Harvey	
M <sup>r</sup> Nath <sup>l</sup> Robinson		Maj <sup>r</sup> Chandler	

I. See Appendix G., Vol. I, Governor and Council and Slade's Vermont State Papers, pp. 89-105, for details concerning the first New Hampshire union.

Mr Webb  
 Mr Scott  
 Capt. E. Curtiss  
 Mr Gallup  
 Capt. Williams  
 Capt. Throop  
 Capt. Hodges  
 Mr Harris  
 Mr Miles  
 Mr Cooper

Mr Woodward

The following reasons were assigned by those on the negative of the foregoing question and inserted by desire of those whose names are thereunto annexed viz.

"We whose names are hereunto annexed being entered as nays on the foregoing question hereby assign our reasons for thus voting.

"<sup>1</sup><sup>st</sup> Because the whole State of Vermont was by the establishment (refered to in the question) in March last divided into two Counties only; which was previous to the union of the towns east of Connecticut river with this State; and consequently they never have been annexed to any County in this State; and therefore will thereby be put out of any protection [or] priviledges of said State; which we conceive to be inconsistent with the 6<sup>th</sup> Section of the bill of rights established as part of the constitution.

"<sup>2</sup><sup>d</sup> Because the affirmative of the question is in direct opposition to the report of the Committee of both houses (of the 19<sup>th</sup> instant) on the subject; which was confirmed by a resolve of this Assembly yesterday<sup>1</sup> as may appear by the report of said Committee and Resolves of the house thereon reference thereto being had.

Signed

Elisha Paine	David Woodward	Eben <sup>r</sup> Walbridge
Beza Woodward	Thomas Baldwin	Joseph Hatch
James Bayley	John Young	Tim <sup>y</sup> Bartholomew
Stephen Tilden	Edward Aikin	John Nutting
John Wheatley	Benjamin Baldwin	Joseph Parkhurst
Alex <sup>r</sup> Harvey	Abel Curtiss	Abner Chandler
Bela Turner	Nehemiah Estabrook	Frederick Smith
Jon <sup>a</sup> Freeman	Abraham Jackson	Reuben Forster

Assembly adjourned until two o'clock afternoon.

Assembly met according to adjournment.

*Question 2<sup>d</sup>* Whether the towns east of the river included in the Union with this State, shall be included in the County of Cumberland.

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1. See p. 37.

Yea's 28 viz.	Nay's 33 viz.
Col° Walbridge	Capt. Noble
M <sup>r</sup> Lewis	Capt. Jn <sup>o</sup> Fassett
M <sup>r</sup> Jackson	M <sup>r</sup> Millington
M <sup>r</sup> Alverd	Capt. Jn <sup>o</sup> Fassett Jun <sup>r</sup>
M <sup>r</sup> Aikin	M <sup>r</sup> Thomas
M <sup>r</sup> Tilden	M <sup>r</sup> Bradley
M <sup>r</sup> Parkhurst	Capt. G. Ormsby
M <sup>r</sup> Bartholomew	M <sup>r</sup> Powell
M <sup>r</sup> Smith	Capt. Underhill
Capt. J. [I.] Ormsbee	M <sup>r</sup> M. Robinson
M <sup>r</sup> B. Baldwin	M <sup>r</sup> Adams
M <sup>r</sup> Nuting	M <sup>r</sup> Rowley
Capt. Hatch	M <sup>r</sup> Ward
M <sup>r</sup> Foster	M <sup>r</sup> Post
M <sup>r</sup> Easterbrook	M <sup>r</sup> Harris
Capt. Wheatley	M <sup>r</sup> Miles
Capt. Turner	M <sup>r</sup> Cooper
M <sup>r</sup> Freeman	M <sup>r</sup> Belknap
Capt. Woodward	Capt. Jon <sup>a</sup> Fassett
M <sup>r</sup> T. Baldwin	M <sup>r</sup> Foot
Col° Paine	Capt. Starr
Col° Morey	M <sup>r</sup> Wells
M <sup>r</sup> Chandler	M <sup>r</sup> Hamilton
Maj <sup>r</sup> Bailey	Capt. Knight
Capt. Young	Col° Fletcher
M <sup>r</sup> A. Curtiss	M <sup>r</sup> Nath <sup>l</sup> Robinson
M <sup>r</sup> Harvey	M <sup>r</sup> Webb
M <sup>r</sup> Woodward	M <sup>r</sup> Scott
	Capt. E. Curtiss
	Capt. Gallup
	Capt. Williams
	Capt. Throop
	Capt. Hodges

*Question 3<sup>d</sup>* Whether the towns on the east side of Connecticut River who are included by union within this State shall be erected into a distinct county by themselves.

Yea's 28 viz.	Nay's 33 viz.
Col° Walbridge	Capt. Noble
M <sup>r</sup> Lewis	Capt. Jn <sup>o</sup> Fassett
M <sup>r</sup> Jackson	M <sup>r</sup> Millington
M <sup>r</sup> Alverd	Capt. Jn <sup>o</sup> Fassett Jun <sup>r</sup>
M <sup>r</sup> Aikin	M <sup>r</sup> Thomas
M <sup>r</sup> Tilden	M <sup>r</sup> Bradley
M <sup>r</sup> Parkhurst	Capt. G. Ormsby
M <sup>r</sup> Bartholomew	M <sup>r</sup> Powell

M <sup>r</sup> Smith	Capt. Underhill
Capt. J. Ormsbee	M <sup>r</sup> M. Robinson
M <sup>r</sup> B. Baldwin	M <sup>r</sup> Adams
M <sup>r</sup> Nutting	M <sup>r</sup> Rowley
M <sup>r</sup> Foster	M <sup>r</sup> Ward
M <sup>r</sup> Estabrook	M <sup>r</sup> Post
Capt. Wheatley	M <sup>r</sup> Belknap
Capt. Turner	Capt. Jon <sup>a</sup> Fassett
M <sup>r</sup> Freeman	Capt. Powers
Capt. Woodward	M <sup>r</sup> Foot
M <sup>r</sup> T. Baldwin	Capt. Starr
Col <sup>o</sup> Payne	M <sup>r</sup> Wells
Col <sup>o</sup> Morey	M <sup>r</sup> Hamilton
M <sup>r</sup> Chandler	Capt. Knight
Maj <sup>r</sup> Bailey	Col <sup>o</sup> Fletcher
Capt. Young	M <sup>r</sup> N. Robinson
M <sup>r</sup> A. Curtiss	M <sup>r</sup> Webb
Capt. Hatch	M <sup>r</sup> Scott
M <sup>r</sup> Harvey	Capt. E. Curtiss
M <sup>r</sup> Woodward	Capt. Williams
	Capt. Throop
	Capt. Hodges
	M <sup>r</sup> Harris
	M <sup>r</sup> Miles
	M <sup>r</sup> Cooper

The following reasons was assigned by those on the affirmative of the two last questions, and inserted by the desire of those whose names are thereunto annexed, viz.

We whose names are under written were on the affirmative of the two last questions because the negative being passed the towns on the east side of Connecticut river who are included by union with this State are thereby effectually debarred from all benefit, protection and security of the Commonwealth of Vermont, in violation of the sixth article of the bill of rights which is established as part of the Constitution of said State and in violation of the public faith of said State pledged by their general Assembly at Bennington June 11<sup>th</sup> 1778<sup>1</sup> and also a resolve of this Assembly passed yesterday whereby the towns east of the River which were received into Union with said State were Intitled to all the priviledges and immunities vested in any Town in said as by said Resolotions may appear, reference thereunto being had—

1. This is a reference to the vote authorizing the first union with certain New Hampshire towns.

## Signed

Beza Woodward	David Woodward	Joseph Parkhurst
Nehemiah Easterbrooks	Jonathan Freeman	James Bayley
Ebenezer Walbridge	Joseph Hatch	John Wheatley
Israel Morey	Stephen Tilden	Thom <sup>s</sup> Bawldwin
Elisha Payne	Abel Curtiss	John Young
Bela Turner	Abner Lewis	Abner Chandler
Benj <sup>a</sup> Baldwin	Alexander Harvey	John Nutting
Ichabod Ormsbee	Elijah Alvord	Edward Aikin

*Resolved* that the following matters be printed for the perusal of the Several Towns Represented in this Assembly (viz)

1<sup>st</sup> A list of the names of the Representatives who have attended this Assembly with their towns annexed.

2<sup>d</sup> The Resolution of this Assembly by which the joint Committee was formed.

3<sup>d</sup> The report of the joint Committee on the 19<sup>th</sup> instant.

4<sup>th</sup> The proceedings of Assembly thereon yesterday.

5<sup>th</sup> The Resolutions passed yesterday respecting division of Counties.

6<sup>th</sup> The whole of the proceedings of Assembly passed this day together with the reasons annexed by dissentients from the majority.

Assembly adjourned until tomorrow morning eight o'clock.

THURSDAY October 22<sup>d</sup> 1778

Assembly met, according to adjournment.

*Resolved*, to revive "an act for securing the general priviledges of the freemen of the state of Vermont,"—"An Act relating to the abatement and amendment of writs, reversal of judgment &c," & An Act for framing and regulating the militia; and for the encouragement of military skill, for the better defence of this State.

A protest<sup>1</sup> and declaration was entered by the Deputy Governor, two assistants, and twenty five members of Assembly, against the proceedings of Assembly, yesterday, and withdrew.

Assembly adjourned until two o'clock, afternoon—

Assembly met, according to adjournment.

*Resolved*, that the wages of the Councillors and Representatives, for the present session be twenty seven shillings, p<sup>r</sup> day, and a horse, one shilling p<sup>r</sup> mile.

*Resolved*, that the members present proceed to business being a quorum.—

N. B. the members present, at passing this resolve, were—Maj<sup>r</sup> Thomas Chandler, Speaker—

1. See Slade's Vermont State Papers, pp. 100-101.

The welfare of the new State, in the first year of its existence was seriously menaced by the withdrawal of the Lieutenant Governor, two members of the Council, twenty-five members of the Assembly, and the Clerk of that body.

Capt. Eli Noble,	M <sup>r</sup> Joshua Webb,
Capt. John Fassett,	M <sup>r</sup> Samuel Scott,
Col <sup>o</sup> Eben <sup>r</sup> Walbridge,	Capt. Eben <sup>r</sup> Curtiss,
M <sup>r</sup> John Milington,	M <sup>r</sup> William Gallup,
Capt. John Fassett Jun <sup>r</sup> ,	Capt. Phineas Williams,
M <sup>r</sup> Reuben Thomas	Capt. John Throop,
Capt. Jonathan Fassett,	Capt. Edmund Hodges,
Capt. Josiah Powers,	M <sup>r</sup> Thomas Rowley,
Doct <sup>r</sup> Nathan Foot,	M <sup>r</sup> William Ward,
Capt. Comfort Starr,	M <sup>r</sup> Abner Lewis,
M <sup>r</sup> Hubbel Wells,	M <sup>r</sup> Abraham Jackson,
M <sup>r</sup> Silas Hamlin顿,	M <sup>r</sup> Roswell Post,
Capt. Jonathan Knight,	M <sup>r</sup> Jesse Belknap,
Col <sup>o</sup> Samuel Fletcher,	M <sup>r</sup> Edward Aikin,
M <sup>r</sup> Joseph Bradley,	M <sup>r</sup> Edward Harris,
Capt. Gideon Ormsby,	M <sup>r</sup> Abner Miles,
M <sup>r</sup> Martin Powell,	M <sup>r</sup> Thomas Cooper,
Capt. Abr <sup>m</sup> Underhill,	M <sup>r</sup> Benj <sup>a</sup> Spalding,
M <sup>r</sup> Moses Robinson,	M <sup>r</sup> Tim <sup>o</sup> Bartholomew,
M <sup>r</sup> Gideon Adams	M <sup>r</sup> Nath <sup>l</sup> Robinson,

*Resolved*, that M<sup>r</sup> [Thomas] Rowley be appointed to join the Committee appointed the 20<sup>th</sup> inst. to draw a Bill for the establishment of fees, fines and penalties, in the room of Capt. [Bela] Turner who is withdrawn.

Assembly adjourned until eight oclock tomorrow morning.

FRIDAY October 23<sup>d</sup> 1778

Assembly met, according to adjournment.

Chose MARTIN POWELL Esq<sup>r</sup> Clerk of this Assembly, in the room of Bezaleel Woodward Esq<sup>r</sup> resigned:—who was accordingly sworn to a faithful discharge of that trust.

Attest

BEZA WOODWARD Clerk

STATE OF VERMONT ss Windsor Oct<sup>r</sup> 23<sup>d</sup> 1778.

The foregoing is a true journal of the proceedings of the General Assembly of said State, from the first of the present Session, to this day.

Attest

BEZA WOODWARD Clerk

*Resolved*, that there be a Superiour Court<sup>1</sup> appointed in this State, consisting of five Judges.

*Resolved*, that Bezaleel Woodward Esq<sup>r</sup> be allowed fifteen dollars for his services, as a Clerk to this Assembly, exclusive of his attendance as a member, fifteen days.

*Resolved*, that the hon<sup>ble</sup> MOSES ROBINSON Esq<sup>r</sup> be and is hereby appointed chief Judge of the Superiour Court, and Maj<sup>r</sup> JOHN SHEPHERDSON, second, JOHN FASSETT Jun<sup>r</sup> third, Major THOMAS CHANDLER, fourth, and JOHN THROOP Esq<sup>r</sup>, fifth, Judges of said Court.

Assembly adjourned until two o'clock afternoon.

Assembly met, according to adjournment.

*Resolved*, that the Superiour Court sit four times in a year, viz; at the meeting house in Bennington, in the Shire of Bennington, on the second thursday of December, next; at the Court house in Westminster, in the Shire of Cumberland, the second thursday of March, next; at the house of Col<sup>o</sup> James Meads in Rutland, in the Shire of Rutland, on the ; and at Newbury, in the Shire of Newbury, on the second thursday of September next.

*Resolved*, that the Superiour Court do not sit longer, at one sitting, than one week.

*Resolved*, that all the bills, passed the two Sessions preceeding this, (except the act forming the special court, and the Act respecting banishment) be revived until the next Session of this Assembly.

*Resolved*, that Col<sup>o</sup> EBENEZER WALBRIDGE be, and is hereby, appointed an Assistant Clerk to this Assembly.

*Resolved*, that a Committee of three, be appointed to prepare a bill to empower towns, that are not represented, according to Constitution, to chuse a Representative or Representatives before the next Session of Assembly.—Committee chosen—M<sup>r</sup> [Thomas] Rowley, Edward Harris Esq<sup>r</sup>, and Doct<sup>r</sup> Nathan Foot.

*Resolved*, that the Councillors and Representatives be allowed one pound, four shillings, per day, and one shilling p<sup>r</sup> mile for a horse, any previous Resolve to the contrary notwithstanding.

*Resolved*, that John Fassett jun<sup>r</sup> Esq<sup>r</sup>, Col<sup>o</sup> Ebenezer Walbridge, and Capt. Ebenezer Curtiss, be a Committee to make up a debenture.

*Resolved*, that a Committee of three be appointed to make draught of letters to send to Congress, and New Hampshire.—Committee chosen —Col<sup>o</sup> [Ethan] Allen, Col<sup>o</sup> [Samuel] Fletcher and Capt. [John] Throop—

*Resolved*, that the Representatives of this Assembly lay before their constituents the circumstances of the union<sup>2</sup> subsisting between sixteen

1. For the organization of the Superior Court see "Vermont Bench and Bar" by Judge Frank L. Fish in Vol. 5, pp. 14-15 of Crockett's History of Vermont.

2. See Slade's Vermont State Papers, p. 102.

towns, on the east side of Connecticut River and the former State of Vermont, and to be instructed by them to act accordingly.

Assembly adjourned until eight o'clock, tomorrow morning.

SATURDAY Oct<sup>r</sup> 24<sup>th</sup> 1778

Assembly met, according to adjournment.

*Resolved*, that a Committee of three, to join a Committee from the Council, be appointed to prefix the Governor's salary for the year ensuing.—Committee chosen—M<sup>r</sup> Jon<sup>a</sup> Fassett, M<sup>r</sup> Joshua Webb and M<sup>r</sup> [Hubbel] Wells.

*Resolved*, that a Committee of three be appointed, to prepare a bill, respecting the freedom of Slaves<sup>1</sup>, agreeable to the bill of rights—Committee chosen—M<sup>r</sup> [Edward] Harris, M<sup>r</sup> [Thomas] Rowley and M<sup>r</sup> [Thomas] Cooper—

*Resolved*, that the justices of the peace, whose names are returned to the Governor or that shall be, hereafter, returned, shall be commissioned for the year ensuing.

A Table of fees passed the House—

*Resolved*, that his Excellency the Governor's salary, for the year ensuing, be three hundred pounds, lawful money.

Assembly adjourned, until 2 o'clock afternoon.

Assembly met, according to adjournment.

*Resolved*, that a Committee of two, to join a Committee from the Council, be appointed, to prepare the Acts passed at the former Sessions and likewise the present Session, for the press, and get them printed.—Committee chosen—Captain Ebenezer Curtiss and Col<sup>o</sup> John Barrett.

A Resolve passed for to make a road from Wilmington to Bennington.

*Resolved*, that a Committee of six be appointed to choose five hundred and ninety six proprietors to share in a large tract of land, specified in a petition<sup>2</sup> of Col<sup>o</sup> Ethan Allen, Col<sup>o</sup> Samuel Herrick and Jonas Fay, Esquire.—Committee chosen—Col<sup>o</sup> Ethan Allen, Joseph Bradley Esq<sup>r</sup>, John Fassett Esq<sup>r</sup> Doct<sup>r</sup> Reuben Jones, Maj<sup>r</sup> Thomas Chandler, and Capt. John Throop.

*Resolved*, that Col<sup>o</sup> Ethan Allen be, and is hereby, an Agent to go to the hon<sup>ble</sup> the Congress, when the Governor and Council shall Judge necessary.

*Resolved*, that the next Session of this Assembly be held on the second thursday of February next, at Bennington meeting house—

1. See address of Chief Justice John H. Watson of the Vermont Supreme Court before the Vermont Bar Association, Jan. 4, 1921, and printed in the 1919-20 Proceedings of the Vermont Historical Society, for a discussion of Vermont's attitude toward slavery.

2. This petition was favorably received and a grant of the Two Heroes, (North Hero and South Hero) was made, State Papers of Vermont, (Vermont Charters), Vol. 2, pp. 192-195, 330-331, 350. For proceedings of a convention of delegates from twenty-two towns on both sides of the Connecticut River, held at Cornish, N. H., Dec. 9, 1778, see Governor and Council, Vol. 3, pp. 499-501.

# PROCEEDINGS

OF THE

# GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT

AT THEIR ADJOURNED SESSIONS AT BENNINGTON  
FEBRUARY 11<sup>th</sup> 1779



## PROCEEDINGS &c

At a General Assembly of the Representatives of the Freemen of the State of Vermont held at Bennington the 11<sup>th</sup> day of February 1779 according to Adjournment from the 24<sup>th</sup> day of Oct<sup>r</sup> last, at Windsor.

1<sup>st</sup> Proceeded to examine the credentials of a number of Members chose since the last Session agreeable to an Act of this Assembly passed at the last Session; whose names will appear in Roll being qualified.—

2<sup>d</sup> On motion made to make choice of a Clerk for this Assembly. *Voted* that a Clerk be chose.

3<sup>d</sup> Chose M<sup>r</sup> MATTHEW LYON<sup>1</sup> Clerk of this Assembly and he accordingly took the oaths required by the Constitution to qualify him for that office.

Attest THOS CHANDLER JUN<sup>r</sup> Sp<sup>r</sup>

Assembly adjourned till tomorrow morning 9 oclock then to meet at the house of Col<sup>o</sup> Nathaniel Brush in this Town.—

FRIDAY 12<sup>th</sup> Febr 1779

Assembly met according to adjournment.

On motion made by his Excellency the Governor; Ira Allen Esq<sup>r</sup> made return of his mission to New Hampshire<sup>2</sup> and President Weares letter of the 5<sup>th</sup> of Nov<sup>r</sup> was read as also several others relative to the Union—

Several letters were read to and from A. Spooner the printer to this State.

Assembly adjourned until tomorrow morning eight oclock.

FRIDAY February 12<sup>th</sup> 1779

Assembly met according to adjournment.

Several letters were read concerning the situation of the frontiers of this State.

M<sup>r</sup> Elijah Alverd one of the members who protested against the proceedings of the Assembly at their last Session, made application to be readmitted into this Assembly—and does acknowledge to have done wrong in withdrawing from the Assembly in October last—and also in making declaration that he could not act in any office legislative, or

1. For sketches of the life of Matthew Lyon see Governor and Council, Vol. 1, pp 123-128; address of Pliny H. White before the Vermont Historical Society, Oct. 29, 1858; Crockett's History of Vermont, Vol. 2, pp. 553-565.

2. See Governor and Council, Vol. 1, pp. 427-429 for Ira Allen's report of his mission to New Hampshire.

judicial whilst the three votes complained of by the protesting members were continued; and in saying that his allegiance to this State was dissolved. Whereupon he was admitted to his seat in the house.

*Resolved*, that a Committee of three be chosen to draw a plan for the ruling and regulating this house. Committee chosen M<sup>r</sup> Reuben Jones, Capt. John Fassett Jun<sup>r</sup> and M<sup>r</sup> [Edward] Harris.

Resumed the consideration of the union between this State and sixteen towns east of Connecticut River; when, the instructions of the freemen of this State to their representatives, concerning said union, being examined, it appears that they are instructed to recede from such union. Therefore, *Resolved*, that M<sup>r</sup> [Ithamer] Hibbert and M<sup>r</sup> [Hubbel] Wells be a Committee to join a Committee from the Council, to prepare a draught relative to dissolving the union between the sixteen towns, befor mentioned, and this State; and report thereon to this House.

The Committee appointed to prepare a draught relative to disolving the union with sixteen towns east of Connecticut river with this State, brought in the following report, viz.

'WHEREAS, in consequence of a Representation made to the General Assembly of this State, at their session at Windsor, in March 1778, by a Committee, consisting of seven persons, inhabiting several towns lying contiguous to the east side of Connecticut River, that a number of inhabited towns east of said River, were then unconnected with any state, in regard to their internal police: and, on said Committee's application to the General Assembly, that the said towns might be admitted into union with this State, orders were issued by the Assembly to the Representatives constituents, for instructions in the premises:

'AND WHEREAS, in consequence of such instructions, the Representatives of said constituents, when met, at their adjourned session, at Bennington, on the eleventh day of June last, did receive into union with said state, sixteen towns east of said Connecticut river, and grant leave for other towns to unite, if they should choose:

'AND WHEREAS, a dispute has arisen, in respect to the right New Hampshire have to exercise jurisdiction over those sixteen towns, as claimed in a letter to his Excellency Thomas Chittenden Esquire, by Meshech Weare Esquire, President of the hon<sup>b1e</sup> Council of the State of New Hampshire, dated August 22<sup>d</sup> 1778:

'AND WHEREAS, the general Assembly of this State did, at their session at Windsor, in October last, agree on certain methods (contained in the report of the grand Committee of both Houses) to settle and adjust the dispute with New Hampshire; nevertheless the measures to be pursued to effect those methods, were rendered impracticable by the members east of said river, withdrawing themselves from the house, in an unconstitutional manner, and forming a convention, in direct violation of the most solemn oaths and obligations into which they had entered, declaring themselves discharged from any and every former confederation and association with this State:

'AND WHEREAS, your Committee have just grounds to apprehend

that the said sixteen towns are, of right, included within the jurisdiction of New Hampshire; they are, therefore, of opinion, that the said union ought to be considered as being null, from the begining.

JONAS FAY, Chairman of Committee

The above draught being read, was accepted, and this house do, thereupon, *Resolve* that the said Union be, and is hereby dissolved, and made totally void, null and extinct<sup>1</sup>: and that his Excellency the Governor be and he is hereby directed to communicate the foregoing draught, and resolve thereon, to the President of the Council of the State of New Hampshire."

*Resolved* to receive and approve of the report of the Committee concerning the lands in Kent [Londonderry] and that Maj<sup>r</sup> Thomas Chandler, Col<sup>o</sup> Sam<sup>l</sup> Fletcher and Doct<sup>r</sup> Reuben Jones be a Committee to execute the said report on such petition; and they shall also have power to make good all the bargains of Col<sup>o</sup> Rogers concerning the lands in said Town contained in said Report. Provided always that nothing be done about the affair until confiscation of the estate of Col<sup>o</sup> Rogers<sup>2</sup> be made.

*Resolved* that the Governor and Council be a court to confiscate the estates lying in this state of the enemies of this and the United States who have assisted or joined the enemy.

1. Ethan Allen, soon after his return from his long captivity in British prisons, (1775-78) had been sent to Philadelphia in September, 1778, by the Vermont authorities to ascertain the opinion of the Continental Congress concerning the annexation of New Hampshire towns by this State. His report, delivered to a joint assembly on Oct. 10, 1778 (for which see Slade's Vermont State Papers, pp. 92-93) may be summarized in his statement that, "From what I have heard and seen of the disapprobation of Congress, of the union with sundry towns, east of Connecticut River, I am sufficiently authorized to offer it as my opinion that except this State recede from such union immediately the whole power of the Confederacy of the United States of America will join to annihilate the State of Vermont and to vindicate the right of New Hampshire, and to maintain inviolate the articles of confederation which guarantee to each State their privileges and immunities."

Ethan Allen had written President Weare of New Hampshire on Oct. 23, 1778, a letter delivered by his brother Ira, saying that the union had been brought about "by influence of designing men." He further said: "The union I ever viewed to be incompatible with the right of New Hampshire," and expressed the "hope that the government of New Hampshire will excuse the imbecility of Vermont in the matter of the union."

There appears to have been no little rivalry between the portions of Vermont east and west of the Green Mountains. The Connecticut valley towns had not felt the oppression of the colonial government of New York as heavily as had the towns nearer the New York border and some of them had sent representatives to the colonial Legislature of that province. Communication was comparatively easy between towns on the eastern and western banks of the Connecticut River and difficult with western Vermont. There appears to have been a desire for a capital of a new State in the Connecticut valley and allegiance to the new State of Vermont appears to have been held rather lightly at first by some of the leaders in the eastern towns.—Governor and Council, Vol. 2, p. 500.

2. A New York grant of 26,000 acres, as the township of Kent, was made by Lieutenant Governor Colden, Feb. 13, 1770, to John Rogers & Co. and probably included Windham and Anderson's Gore.—Vermont Historical Society Collections, Vol. 1, p. 154.

*Resolved* that Capt. John Fassett Jun<sup>r</sup> and Col<sup>o</sup> Ebenezer Walbridge be a Committee to join a Committee from the Council to take into consideration the petition of Capt. Ebenezer Allen &c.

*Resolved* that thursday next be and is hereby appointed to hear the petitions of private persons and that no such petitions be heard before that time.

*Resolved* that M<sup>r</sup> [Joseph] Bradley, M<sup>r</sup> [Thomas] Rowley, Doct<sup>r</sup> [Reuben] Jones be a Committee to prepare a bill and lay before this Assembly relative to the tories that have left, or that shall leave this State.

Assembly adjourned until tomorrow morning nine o'clock.

### SATURDAY Feb<sup>y</sup> 13<sup>th</sup> 1779

Assembly met according to adjournment.

An Act for securing the general priviledges of the people passed.

An Act for directing the Justices of the peace in their office and duty passed.

An Act concerning the abatement and amendment of writs judgments &c. passed.—

An Act against high treason passed—

An Act directing listers in their office and duty passed.

Col<sup>o</sup> [Ethan] Allen made report of his mission to Congress in which he represents among other things that it will be necessary to appoint at least three persons to manage the affairs of this State at the Continental Congress.

An Act constituting and appointing one superiour court-passed.

An Act directing forceable entry and detainer passed.

Assembly adjourned until Monday next nine o'clock in the morning.

### MONDAY Feb<sup>y</sup> 15<sup>th</sup> 1779

Assembly met according to adjournment.

*Resolved* that JOHN FASSETT<sup>1</sup> jun<sup>r</sup> be and is hereby appointed Clerk of this Assembly pro tempore.

An Act regulating marriages passed<sup>2</sup>.

An Act against barratry and common barritors passed.

An Act concerning bastards and bastardy passed.

An Act for the ascertaining town brands and providing and regulating branding and brandors of horses passed<sup>3</sup>.

1. For biographical sketch of John Fassett, Jr., see Governor and Council, Vol. 2, pp. 1-2.

2. For the acts of the February session of 1779 see Acts of Vermont, 1779, or Slade's Vermont State Papers, pp. 287-388. All these acts were declared to be temporary and in force only "until the rising of the General Assembly in October next."

3. A brand consisting of a letter, figure or character was established for each town, to be placed on or near the left shoulder of each horse by a town brander, and a record of each animal branded was directed to be kept. An ear mark or brand was provided for cattle, sheep or swine. Fences were few and as domestic animals frequently ran at large some method of identification was necessary.

An Act for the punishing of burglary and robbery—passed.

An Act for the marking of cattle and swine—passed.

An Act relating to bills of divorce—passed.<sup>1</sup>

An Act against encroachment on highways &c. passed.

An Act concerning grand jury men passed.

An Act concerning the dowry of widows passed.

An Act concerning the witness to wills passed.

An Act for the partition of lands passed.

An Act for preventing the sales of real estates of heiresses against their consent passed.

An Act for the limitation of prosecutions in divers cases passed.

An Act for the punishment of lying passed.

An Act appointing stocks and sign posts to be maintained &c. passed.

An Act for licensing and regulating houses of public entertainment or taverns<sup>2</sup> and for suppressing unlicensed houses passed.

An Act establishing the constitution of this State<sup>3</sup> a part of the law thereof passed.

An Act for directing and regulating the levying and serving executions—passed.

An Act against gaming—passed.

An Act against forgery passed.

An Act against fraudulent conveyances passed.

An Act for the admission of inhabitants in towns and for preventing of change by such as are admitted therein passed.

An Act for suppressing of lotteries<sup>4</sup> &c. passed.

An Act against manslaughter passed.

An Act against unseasonable night walking passed.

An Act against murder passed.

An Act against breaking the peace passed.

An Act for the punishing of perjury passed.

An Act for the ordering and regulating pleas and pleading passed.

1. The Council granted a divorce at its session in June, 1778. See Governor and Council, Vol. I, p. 269.

2. County courts to grant licenses upon nomination of magistrates, selectmen and other town officials.

3. There seems to be an element of absurdity in the enactment of a law establishing the Constitution, which itself authorizes the election of legislators and the enactment of laws. It should be remembered, however, that constitutional government in America was new, that the people were not familiar with its operation, and that the citizens of Vermont never had voted directly upon the adoption of the Constitution. For a more complete discussion of this subject see address by Chief Justice Watson before the Vermont Bar Association, Proceedings of Vermont Historical Society, 1919-20.

4. This act does not provide, as the title indicates, for the entire suppression of lotteries, but forbids the setting up of a lottery "without official liberty from the General Assembly." Permission to operate lotteries were granted for a variety of public and charitable purposes. See pp. 60-61 and 62 for plan for lottery "for the benefit of the treasury of this State" and other references.

An Act for the maintaining and supporting the poor passed.

An Act for providing pounds and impounding creatures and preventing rescues and pound breach—passed.

An Act concerning replevins passed.

An Act concerning Stallions passed.

An Act to prevent the exportation of raw or untanned hides and skins—passed.

An Act concerning witnesses and taking affidavits out of court—passed.

An Act concerning strays and lost goods passed.

An Act for the punishment of defamation passed.

An Act for the appointment and regulating attorneys<sup>1</sup> passed.

Assembly adjourned until tomorrow morning nine o'clock.

TUESDAY Feb<sup>y</sup> 16<sup>th</sup> 1779

Assembly met according to adjournment.

*Resolved* that M<sup>r</sup> [Joseph] Bradley, Doct<sup>r</sup> [Reuben] Jones and M<sup>r</sup> [Thomas] Rowley be a Committee to distribute the pamphlets entitled “a vindication of the conduct of the general Assembly of the State of Vermont held at Windsor 1778”—written by Ira Allen Esq<sup>r</sup>.

On petition of John Train for a new tryal in a case that was tried by the special court in the half shire of Rutland on the 4<sup>th</sup> Sept<sup>r</sup> 1778 depending between John Chandler plaintiff and John Train Defendant. therefore

*Resolved* that the said Action be entered in the Superior Court for a review and that the evidences taken in said case be transferred to the said Court.

*Resolved* that a Committee be chosen by ballot in this House consisting of three persons to manage our political affairs at Congress and to represent this State at that board if there should be occasion which Committee shall be under the direction of the Governor and Council. Upon examination of the votes— Col<sup>o</sup> ETHAN ALLEN, Hon<sup>ble</sup> JONAS FAY and PAUL SPOONER Esquires were declared chosen for the purpose aforesaid.

*Resolved* that it be, and it is hereby recommended to the hon<sup>ble</sup> Court of confiscation, to make confiscation and sale of the estates lying in Cumberland county formerly the property of persons who have joined the enemies of this and the United States.

The petition of the inhabitants of the town of Rockingham &c. concerning a road through Brumley [Bromley or Peru] &c.—Granted.

1. Provision was made for a table of fees for attorneys. Following the War of the Revolution there was a period of great unrest throughout the Nation. In Vermont land titles were not well established in many instances. Debts were numerous, money was scarce and courts and lawyers were blamed to some extent for existing conditions.

*Resolved* that deacon [Edward] Aikin Major [Joseph] Tyler<sup>r</sup> and Col<sup>o</sup> [Samuel] Fletcher be a Committee to lay out make and repair said road on the cost of the proprietors and to sell the proprietors lands lying in said towns for the cost if they neglect paying the same.

An Act concerning sureties and scire facias passed.

An Act for the ordering and preserving sheep &c. passed.

An Act appointing Sheriffs and regulating them in their office and duty passed—

The Committee appointed to examine into the affairs of Capt. Eben<sup>r</sup> Allens petition brought in their report which being read; *Resolved* that said report be accepted—

An Act for relieving and ordering ideots, impotent, distracted and idle persons, passed.

An Act for forming and regulating the militia<sup>2</sup> and for encouragement of military skill and for the better defence of this State-passed—

An Act for the punishment of drunkards passed.

An Act against profane swearing and cursing—passed.

Assembly adjourned until nine o'clock tomorrow morning.

### WEDNESDAY February 17<sup>th</sup> 1779

Assembly met according to adjournment.

An Act for the regulating the payment of fees, fines and penalties—passed.

An Act for regulating goals [jails] and goalers [jailers] passed—

An Act regulating mills and millers passed.—

*Resolved* that a Committee of two to join one from the Council be appointed to take into consideration the circumstances of the soldiers that belonged to Capt. Allens company last spring and to inquire why they were not paid before and report to this House. Committee chosen Col<sup>o</sup> [Samuel] Fletcher and Col<sup>o</sup> [John] Strong.

An Act to encourage the destroying of wolves &c passed.

An Act for preserving due order in town meetings passed.

An Act for restraining swine from going at large—passed.

An Act for the punishment of theft passed—

An Act for appointing county surveyors and empowering and directing them in their office and duty passed.

An Act concerning guardians and minors passed—

An Act to prevent wrong by impress passed.

An Act concerning briefs passed.

An Act for the regulating the election of governor &c passed.

1. Maj. Joseph Tyler was not a member of the General Assembly at this time. For biographical sketch see Governor and Council, Vol. 2, p. 75.

2. Provision was made for organizing five regiments, the States being divided into militia districts. All men between the ages of sixteen and fifty years were subject to military duty and were supposed to attend musters, but there was a long list of exceptions.

An Act directing town clerks in their office and duty passed—  
 An Act describing the probate districts passed.—  
 Assembly adjourned until nine o'clock tomorrow morning.

THURSDAY February 18<sup>th</sup> 1779

An Act regulating the choice of town officers and petit Jurymen passed— and *Resolved* that Doct<sup>r</sup> Roswell Hopkins be and is hereby appointed to draw copies of the above act for the several towns in this State.

*Resolved* that M<sup>r</sup> [Ithamer] Hibbert, M<sup>r</sup> [Martin] Powell and M<sup>r</sup> Moses Robinson be a Committee to examine into the matter of the petition of Zachus [Zaccheus] Mallery, and report thereon to the next Session of Assembly.

*Resolved* that M<sup>r</sup> [Elijah] Alverd, Major [Gideon] Olin, Esq<sup>r</sup> [Thomas] Cooper, M<sup>r</sup> Underwood, [possibly Capt. Abraham Underhill] and Capt. [William] Gallup be a Committee to join a Committee from the Council to take into more particular consideration the affair of Capt. Allens petition.

On petition of Charles Blin *Resolved* that the said Blin has a right to commence a new suit in the superiour court.

Whereas there are a number of executions given out by the late Special courts, which executions remain unsatisfied and are run out— therefore *Resolved* that the clerk of the superiour Court be and he is hereby impowered to renew all such executions in the same manner as the clerks of the special courts, (out of which said executions was issued) might have done if such courts had been continued.

*Resolved* that the petition of Miles Sly be granted and that the action be entered before Samuel Robinson Esq<sup>r</sup> Justice of the peace and Jeremiah Clark Esq<sup>r</sup> Assistant, and that Esq<sup>r</sup> Clark notify William Parker thereof—

*Resolved* that Doct<sup>r</sup> [Reuben] Jones, M<sup>r</sup> [Samuel] Scott, Jonathan Fassett Esq<sup>r</sup>, Thomas Rowley Esq<sup>r</sup> and M<sup>r</sup> [John] Russell be a Committee to join a Committee from the Council to look into the petition of the proprietors of Pownall and Report to this House.

Report not accepted—

An Act against adultery passed.

An Act against incest passed—

Assembly adjourned until nine o'clock tomorrow morning.

FRIDAY February 19<sup>th</sup> 1779

Assembly met according to adjournment.

An Act concerning lascivious carriage passed—An Act for the punishment of rape passed—

An Act for the more effectual making and repairing highways passed—

An Act for Authenticating deeds and conveyances passed.—

*Resolved* that M<sup>r</sup> [Roswell] Post and M<sup>r</sup> [Joshua] Webb be and are hereby appointed a Committee to join a Committee from the Council to look into the matter of the petition of Eli and Timothy Everets<sup>1</sup> and Report thereon to this House—

An Act for the preventing and useing boats and canoes without leave passed—

An Act enabling communities to maintain and recover their common interest passed.

An Act relating to Constables passed—

An Act for the punishment of divers capital and other felonies passed—

The report of the Committee appointed to examine into Lieut. Barretts petition accepted viz—that the action is proper to be tried before some other court.

An Act concerning testate and intestate estates passed.

Assembly adjourned until tomorrow morning 9 oclock.

SATURDAY Feb<sup>y</sup> 20<sup>th</sup> 1779.

Assembly met according to adjournment.

An Act for the regulating ferries and ferriages passed.

*Resolved* that the Seal<sup>2</sup> provided by Ira Allen Esq<sup>r</sup> for the Seal of this State be and is hereby accepted as such and that Esq<sup>r</sup> Allen be empowered to get the said seal cut deeper.

An Act for the security of this State, passed.

An Act to admit quakers affirmation passed.

An Act concerning sudden and untimely deaths passed—

An Act for the preservation and increase of deer<sup>3</sup> passed—

An Act for regulating and auditing accounts passed.

Report of the Committee on Capt. Allens petition accepted and *Resolved*—that the petition be and is hereby ordered to pay to Capt. Eben<sup>r</sup> Allen the pay for the two months service he and his company have done last March and April—

On petition of the proprietors of the town of Pownall, *Resolved* that the Superior court at the request of said proprietors shall have power to grant out an attachment to be levied on the estate of George Gardner Esq<sup>r</sup> lying in this State in order to hold firm the said estate for the answering any damages that on tryal before them shall appear that said

1. Eli and Timothy Everets were granted one hundred and twenty acres of land in discharge of a debt due from the State to their father, Sylvanus Everets of Castleton, proscribed as a Tory a few days later.—Governor and Council, Vol. 1, pp. 62, 285.

2. The first State seal was designed by Ira Allen and made by Reuben Dean of Windsor. See, "Vermont State Seal and Coat of Arms" in Vermont Legislative Directory (1915) pp. 367-375.

3. A closed season from Jan. 10 to June 10 was established.

Gardiner has done said proprietors by destroying or with holding their records, he being cited to appear before said court by himself or attorney to answer in the case.

Report of a Committee on petition of Timothy and Eli Everets accepted and is as follows viz that the said petitioners be allowed one hundred and twenty acres of said land of equal quality with the remainder, including in said estimation the improvements and edifices thereon the petitioners discharging the state from any debts or demands of what name or nature soever which they have now or heretofore had against Sylvanius Everits their father.

Assembly adjourned until monday next ten oclock in the forenoon

MONDAY February 22<sup>d</sup> 1779.

Assembly met according to adjournment.

An Act to prevent nusiance in the public highways passed.

An Act for preventing and punishing riots and rioters passed.

An Act regulating Juries and Jurors passed.

An Act concerning delinquents passed.

*Resolved* that the Governor and Council be and they are hereby directed to appoint a pay-master or pay masters as there shall be occasion in order to procure the pay for the militia of this State that may from time to time be called out in the service of this and the United States—and it shall be the duty of such paymaster (on being enabled thereto by the field officer commanding any detachment and the officers commanding companies) to make out pay rolls of the service done by such detachments or companies and to procure both the continental and states pay, and to pay the same, for the field and staff officers to the officer commanding the detachment, and to the officers commanding companies the pay for their companies—and such pay-master or pay-masters shall be paid for their service by the Treasurer of this state for what part of their trouble they cannot get pay of the continent.

Assembly adjourned until tomorrow morning nine oclock.

TUESDAY February 23<sup>d</sup> 1779

Assembly met according to adjournment.

An Act for the due observation and keeping the first day of the week as the sabbath or Lords-day &c. passed.

An Act regulating fisheries passed.

An Act concerning forgery—passed.

*Resolved* that the second thursday of April next be and is hereby appointed to be kept as a day of public fasting and prayer—and that his Excellency be and is hereby directed to issue his proclamation accordingly.

*Resolved* that Col<sup>o</sup> [Ebenezer] Walbridge and M<sup>r</sup> [Matthew] Lyon be and are hereby appointed a Committee to join a Committee from the Council to settle with the treasurer.

On petition of Thomas Chandler, John Chandler and Thomas Chandler jun<sup>r</sup> *Resolved* that the township formerly granted by the Governor of New Hampshire by the name of New Flamsted as described in said petition be and is hereby established by the name of CHESTER<sup>1</sup>.

An Act making the laws of this State temporary<sup>2</sup> passed—

An Act for the regulating and calling proprietors meetings passed.

*Resolved* that the Counsellors and Representatives have six dollars p<sup>r</sup> day during their present session to be counted from the time of their leaving their respective homes until they may conveniently return to the same, and one shilling p<sup>r</sup> mile for horse.

WEDNESDAY February 24<sup>th</sup> 1779

Assembly met according to adjournment.

*Resolved* that this Assembly be and are hereby resolved into a Committee to join with the Governor and Council to confer on the matter of guarding the frontiers.

*Resolved* that the officers and soldiers who served under Capt. Clark last March and April<sup>3</sup> have a right to their pay of said Capt. Clark and that the law is hereby declared to be open for such officers and soldiers to sue for and recover their pay of said Capt. Clark and that in all such cases the under officers and soldiers of any detachment shall have a right to sue for and recover their pay of their officer after he has drawn their money and refused to pay the same.

WHEREAS sundry persons inhabitants of this State have been sentenced to banishment by virtue of an act of Assembly passed at Bennington at their session in June last some of which persons did not leave this State according to sentence and others have found means to return so that the greater part of those persons do now reside in this State which does greatly disturb the peace and happiness thereof as well as endanger the lives of the inhabitants. therefore *Resolved* that if any

1. This township was granted by Governor Wentworth of New Hampshire as Flamstead, Feb. 22, 1754. It was regranted to others, under a New Hampshire seal, Nov. 3, 1761, under the name of New Flamstead. A New York grant under the name of Chester, July 14, 1766, confirmed the grant of 1754, but increased the area from 23,040 acres to 31,700 acres. The Vermont resolution retained the New York name. See Vermont Historical Society Collections, Vol. 1, p. 154; State Papers of Vermont, Vol. 2, (Vermont Charters), p. 280.

2. See address of first Council of Censors, Slade's Vermont State Papers, p. 536.

3. Isaac Clark was designated a captain in the proposed Canadian expedition early in 1778. When that was abandoned he and Capt. Ebenezer Clark were assigned to guard the northern frontier. See Governor and Council, Vol. 1, p. 225; Vermont Revolutionary Rolls, p. 64 for roll of Captain Clark's Company.

such person or persons which have been sentenced to banishment as aforesaid shall be found in this State after the first day of May next (which have not obtained or shall not obtain a pardon or reprieve from their crimes from the governor and Council of this State) that such person or persons shall be whipt not exceeding forty stripes to be repeated once a week by order of an Assistant or justice of the peace so long as they shall continue in this State.

*Resolved* that each of the above described persons be served with a copy of the above Resolve.

An Act for making and altering highways passed.

An Act regulating tryals and appeals passed.

*Resolved* that a plan be drawn for a lottery for the benefit of the treasury of this State and that Col<sup>o</sup> [Ebenezer] Walbridge, M<sup>r</sup> [Matthew] Lyon and Esq<sup>r</sup> [Thomas] Rowley be a Committee to draw said plan.

Assembly adjourned until tomorrow morning nine o'clock.

THURSDAY February 25<sup>th</sup> 1779.

Assembly met according to adjournment.

*Resolved* that the Governor and Council be and are hereby appointed a board of war<sup>1</sup> with full power to raise any number of men that shall by them be judged necessary for the defence of the frontiers and to make any necessary preparations for the opening campaign—any four of whom to be a quorum.

*Resolved* that for the ensuing year the tavern keepers shall be licensed by one assistant and one Justice of the peace or by one Judge of the Superior court and one Justice of the peace under the same regulations as they are in future to be licensed by the County court.

*Resolved* that the Council be and are hereby impowered to liberate the tories under the care of Capt. Robinson or dispose of them according to their merit<sup>2</sup>.

*Resolved* that Silas Hamilton, Amos Peabody and Eliphilet Hyde who were appointed a Committee (by the General Assembly at their last session held at Windsor) to make a road from Wilmington west line through Readsborough and Woodford to Bennington east line, shall lay out and cause to be made and repaired the road above said in the manner following—viz. firstly said Committee shall desire the proprietors of said Readsborough and Woodford immediately to lay out make and repair said road under the inspection of said Committee and upon the proprietors being notified of said Resolution and upon their neglecting or refusing to comply therewith that then said Committee be and are

1. For record of Board of War see Governor and Council, Vol. 1, pp. 295-297, 298-301, 306-309; Vol. 2, pp. 6-9, 11, 14, 15, 20, 21, 28-31, 33, 35, 37, 43, 44, 53, 60, 66-72, 75, 77, 78, 80, 98-101, 109, 111, 113, 117, 118, 129, 130, 144, 149, 151, 152, 164, 298.

2. For the care of the families of Tories see Governor and Council, Vol. 1, pp. 261, 285.

hereby empowered to sell so much of said proprietors lands in said Readsborough and Woodford as shall be sufficient to make mend or repair said Road, and said Committee is hereby empowered to give good and sufficient deeds thereof to those who shall purchase said lands.

*Resolved* that his Excellency the Governor and Council revise, prepare and make any necessary alterations in the several laws and acts passed in the General Assembly and have the same printed as soon as may be.

The Committee appointed to draw a plan for a lottery brought in the following plan viz—

“WHEREAS the frontier situation of this State to the enemies of this and the United States of America, render it absolutely necessary for its inhabitants to keep constant guards not only for the immediate defence of this but the several other States to which this [is] a frontier.

“AND WHEREAS the inhabitants of this State have been so much distressed for two years past, that it is become very difficult for them to advance such sums of money by taxes as is necessary to support such guards.

“Therefore it is our opinion that the General Assembly of this State resolve on the following scheme of a lottery for the purpose of raising fifteen thousand dollars, and of lodging eighty five thousand more in the loan office of this State for nearly the term of two years, in order to enable the treasurer of this State to answer the demands on him for service done in that way.

“That there be two classes—the first class to consist of ten thousand tickets, at ten dollars each is one hundred thousand dollars.—The second class to consist of five thousand tickets at twenty dollars each is one hundred thousand dollars.

First Class				Second Class			
				Dollars			
1 prize of	3,000.	dollars is	3,000.	1 prize of	4,000.	dollars is	4,000.
2 d°.....	1,000.	d° each is	2,000.	3 d°.....	1,000.	d° each is	3,000.
6 d°.....	500.	d°.....	3,000.	10 d°.....	500 d° .....	5,000.	
14 d°.....	250.	d°.....	3,500.	14 d°.....	250.....	3,500.	
100 d°.....	100.	d°.....	10,000.	200.....	100.....	20,000.	
150 d°.....	60.	d°.....	9,000.	1290.....	50.....	64,500.	
300 d°.....	40	d°.....	12,000.	1518 prizes			
2875 d°.....	20.	d°.....	57,500.	3482 blanks not $2\frac{1}{2}$ to a prize.			
3448 prizes				5,000 tickets at 20 dollars each			
6552 blanks—not two to a prize				100,000 dollars			
10,000 tickets at ten dollars each is		Dollars	100,000				

That the first class be drawn as soon as the 25 day of November next—and the tickets which shall remain unsold on the 10<sup>th</sup> day of November next shall be by the Managers sealed up and transmitted to the Treasurer of this State; which tickets shall be at the risque of this State—But in case the Managers shall find the tickets to be all sold before that time, then the lottery shall be drawn as much sooner as shall be found convenient.

That the fortunate adventurers in the first Class, who shall draw twenty dollar prizes shall have their tickets renewed in the second class or be subject to a deduction of 15 p<sup>r</sup> cent upon application to the Manager in that part of the State where from their tickets issued.

That the fortunate adventurers in the first class, who shall draw prizes upwards of twenty dollars shall be paid their money, subject to a deduction before mentioned, or in tickets in the second class without deduction, at their election, on application to the Treasurer of this State within two months after the drawing. That the tickets in the Second Class shall not any of them be sold until the first class be drawn.

That the second Class shall be drawn by the 25<sup>th</sup> of November 1780; and what tickets shall remain unsold on the 8<sup>th</sup> day of November 1780, shall be sealed up by the Managers, and transmitted as aforesaid, and be at the risque of this State—But in case the Managers shall find the tickets to be all sold any considerable time before that time, the Lottery shall be drawn sooner.

That the fortunate adventurers in the second class shall be paid the several prizes which they shall draw immediately after the 25 of February 1781 on application to the treasurer of this State, subject to a deduction of 15 per cent.

*Resolved* that the aforesaid report be accepted.

*Resolved* that Col<sup>o</sup> Moses Robinson and Col<sup>o</sup> Ebn<sup>r</sup> Walbridge of Bennington; Col<sup>o</sup> Sam<sup>l</sup> Fletcher of Townshend, Joseph Bowker Esq<sup>r</sup> of Rutland; Benjamin Emmonds Esq<sup>r</sup> of Woodstock; and Paul Spooner Esq<sup>r</sup> of Hertford, be and they are hereby appointed Managers of the lottery aforesaid.

Assembly adjourned until tomorrow morning nine o'clock.

FRIDAY February 26<sup>th</sup> 1779

Assembly met according to adjournment.

*Resolved* that Col<sup>o</sup> [Ebenezer] Walbridge M<sup>r</sup> [Joseph] Bradley and Col<sup>o</sup> [Samuel] Fletcher be and are hereby appointed a Committee to settle with Col<sup>o</sup> Brush to settle with him for the use of this Room.

*Resolved* to accept of the Report of the Committee of both houses held by adjournment from the 24<sup>th</sup> inst. and that his Excellency the

Governor be requested to write and send to General Washington<sup>1</sup> agreeable to said Report—and he is likewise desired to write to the commanding officer at Rutland<sup>2</sup> in order that the Soldiers be detained there 4 days.

An Act concerning the tories gone to the Enemy passed.

*Resolved* that his Excellency be directed to issue his Proclamation with the Laws of this State directing all persons in office civil and military and others to give due attention and pay all proper obedience thereto.<sup>3</sup>

An Act empowering Collectors to collect rates &c. passed.

Assembly adjourned until the first Wednesday in June next at nine o'clock in the morning then to meet at the meeting house in Windsor

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1. Governor Chittenden was asked to write General Washington concerning the defense of the frontiers. (Governor and Council, Vol. 1, p. 289) The Council on Feb. 26, 1779 had appointed Col. Ethan Allen to wait upon General Washington "to acquaint him, with the situation of affairs relative to the defence of the northern frontiers of this state." Joseph Fay was selected on the following day, instead of Ethan Allen, to wait upon General Washington. He bore a letter from Allen, which stated that "the enemy's ships of force and scouting parties (are) every day expected down the lake, which may annoy, and massacre the frontier inhabitants." This situation had "given rise to great uneasiness as the frontier is but weakly guarded and widely extended." It was hoped that relief might be granted. The writer added: "Undoubtedly your Excellency will readily conceive that this part of the country have done more than their adequate proportion in the war, and though they are greatly reduced as to materials to maintain standing forces, yet on sudden emergencies the militia is able and willing to face any equal number of the enemy, provided they should have no other reward but the satisfaction of defeating them."

—Governor and Council, Vol. 1, p. 290.

On March 5, 1779, Governor Chittenden wrote General Washington, pointing out the exposed position of the Vermont frontiers and the losses sustained in the campaign of 1777, when it was necessary to abandon plentiful crops unharvested. As a result of serving in the ranks against General Burgoyne the inhabitants were unable "to make the necessary preparations for a crop of winter grain."

2. Rutland had been selected as the Vermont military headquarters upon the organization of the State government, and Fort Ranger, enclosing two acres or more, had been erected.—Crockett's History of Vermont, Vol. 2, pp. 244-245.

3. See Governor and Council, Vol. 1, p. 289, for text of Governor Chittenden's proclamation.



JOURNALS  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT

AT THEIR ADJOURNED SESSION AT WINDSOR,  
JUNE 2nd, 1779



# JOURNALS

JUNE 2<sup>d</sup> 1779

Assembly met (according to adjournment) at Windsor—

*Resolved* that this Assembly do approve of the method heretofore taken by the Board of War<sup>1</sup> for the defence of the frontiers; and do recommend to them to attend to the defence of the frontiers—

*Resolved* that M<sup>r</sup> [Edward] Harris M<sup>r</sup> [Joshua] Webb and Col<sup>o</sup> [John] Strong be and are hereby appointed a Committee to wait on his Excellency the Governor and the hon<sup>ble</sup> the Council and give them the thanks of this Assembly for their raising and sending the *Posse Comitatus* into Cumberland County in May last<sup>2</sup> past for the purpose of apprehending the rioters who were tried at Westminster in May last.

*Resolved* that twelve dollars p<sup>r</sup> day be allowed the Judges of the Superior Court for their attendance on Court and travel to and from Court.

*Resolved* that his Excellency the Governor and any four members of the Council be and they are hereby invested with all the powers that have been hitherto given to and made use of by the Court of Confiscation.

Report of Committee on petition of the inhabitants of Pittsford accepted and the hon<sup>ble</sup> Joseph Bowker Esq<sup>r</sup> Col<sup>o</sup> [John] Strong and M<sup>r</sup> Roswell Post be and are hereby appointed a Committee to view the fort mentioned in said petition and make report to this Assembly at their next Session agreeable to the directions in said Report—

Adjourned until tomorrow morning 8 o'clock—

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1. See Governor and Council, Vol. I, pp. 294-301 for records of the Board of War from March 11, 1779 to May 14, 1779. The north line of Castleton, the west and north lines of Pittsford to the foot of the Green Mountains, were established as a line between "the inhabitants of this State and the enemy," and it was announced by the Board of War on March 12, 1779, that "all the inhabitants of the State living to the North of said line are directed and ordered to immediately move with their families and effects within said lines." It was further recommended that the inhabitants of Castleton and Pittsford erect a picket fort at once, near the center of the settled region of each town; that the women and children, with the exception of those residing near the forts, move to some convenient place further south and the men remain on their farms "and work in collective bodies with their arms."

2. There remained in a portion of the region now known as Windham County a considerable number of the friends and partisans of New York, and these persons were unwilling to acknowledge the authority of the new government of Vermont. The trouble came to a head in the spring of 1779. Capt. James Clay and others who claimed to be citizens of New York were ordered into service to guard the frontier. They refused to obey and a substitute was secured, the expense being charged to them. They declined to pay and cows were seized and ordered to be sold to pay the expenses. Col. Eleazer Patterson and nearly one hundred New York partisans seized the cows and returned them to the owners. Governor Clinton of New York was notified of the situation. He counselled firmness and prudence, but no submission to Vermont authority, desiring time to learn the sentiment of the Continental Congress.

The Vermont Council in May ordered Col. Ethan Allen with one hundred men from Bennington County to proceed to the assistance of the Sheriff of Cumberland County.

THURSDAY June 3<sup>d</sup> 1779

Assembly met according to adjournment.

Ira Allen Esq<sup>r</sup> made report of his mission to New Hampshire<sup>t</sup> and Sundry papers relative thereto was read—and Ira Allen Esq<sup>r</sup> was unanimously chosen by ballot an Agent to transact the affairs of this State at the Council and General Assembly of the State of New-Hampshire—*Resolved* that his excellency the Governor be and he is hereby requested to write to the Council and General Assembly of the State of New-Hampshire informing them that it is not agreeable to this Assembly that the Assembly of the State of New Hampshire lay any jurisdictional claim to the west of Connecticut River—

*Resolved* that Col<sup>o</sup> [Samuel] Fletcher and Maj<sup>r</sup> [Joseph] Tyler be and they are hereby at their request dismissed from their appointment of February 16<sup>th</sup> last past for to lay out make and repair a road petitioned for by the inhabitants of the town of Rockingham &c.—and Capt. Edward Aikin and M<sup>r</sup> Thomas Hill are hereby appointed in their room.

*Resolved* that the lands ungranted by N. Hampshire lying contiguous to the Settlements called Kent [Londonderry] as also the settlement shall

1. See Governor and Council, Vol. 1, pp. 403-409, 427-429, 433-435, 436-441.

Ira Allen accompanied his brother Ethan, and arranged the details. Colonel Allen and his force appeared at the scene of trouble on May 24 and Colonel Patterson and other officers claiming allegiance to New York were arrested and imprisoned. Samuel Minott, chairman of a committee of the friends of New York in Cumberland County, appealed to Governor Clinton for “speedy and efficient measures for our relief.” The prestige of the leader of the Vermont expedition is indicated by the statement in the letter that if relief is not furnished quickly “our persons and property must be at the disposal of Ethan Allen which is more to be dreaded than death with all its terrors.” The New York delegates in Congress introduced resolutions intended to prevent the formation of an independent State, like Vermont, and Governor Clinton sent to Congress his version of the Cumberland County episode. Congress without committing itself on the subject voted to send a committee of five to Vermont. Governor Clinton protested at the lack of support from Congress, asked for the return of cannon and threatened to send to Brattleboro approximately one thousand men raised for the defence of the frontiers. An unsuccessful attempt was made to secure aid in New Hampshire to release the prisoners confined at Westminster. The prisoners were cautioned against further offences and dismissed after small fines had been imposed and the jurisdiction of the Vermont court had been recognized. Governor Chittenden also issued a general pardon to cover offences committed in Cumberland County. Ira Allen, in describing this period, said: “This lenient measure established the power and laws of Vermont in the hearts of the people and made such an impression on the minds of the late prisoners that within two years they filled some of the first offices of that State.” Thus the boldness and vigor of the Vermont officials established the authority of the new State and the tact and moderation of the treatment of the New York prisoners made friends of former enemies. The affair was handled in a statesmanlike manner.

Two members of the Congressional committee visited Vermont and made a report by no means unfriendly to this State, but it was not considered an official document, as a majority of the committee did not participate in the investigation.—Governor and Council, Vol. 1, pp. 298-300, 441 and 518-525; Documentary History of New York, Vol. 4, pp. 581-582, 588-590; Slade's Vermont State Papers, pp. 106-113; Crockett's History of Vermont, Vol. 2, pp. 283-289.

be granted by this State and incorporated as soon as may be convenient and the settled lands agreeable to the Report of the Committee on Kent petition to the last Assembly on the conditions contained in that report be confirmed to the persons mentioned in the said Report.

*Resolved* that a Brigadier General be appointed to command the militia of this State. The ballots being taken,

ETHAN ALLEN Esq<sup>r</sup> was elected Brigadier General.

An Act for the alteration of Fees passed—

*Resolved* that a Surveyor General be appointed to procure copies of all Charters that ever was made of lands lying in this State in order to make out one General plan of this State in order to know where vacant lands are; and it shall be his duty to follow the instructions he shall from time to time receive from the Governor and Council or from this Assembly.

The Ballots being taken,

IRA ALLEN Esq<sup>r</sup> was Elected Surveyor General<sup>1</sup>

*Resolved* that M<sup>r</sup> [Ithamer] Hibbert be and he is hereby appointed to wait on the Reverend M<sup>r</sup> Root of Rutland and request him to preach the next election sermon; and in case he refuses—M<sup>r</sup> [Joshua] Webb is hereby appointed to wait on the Reverend M<sup>r</sup> Withing and request him to preach the next election sermon—

An Act to prevent persons from exercising authority unless lawfully authorized by this State passed—

An Act for the alteration of fees and fines passed—

*Whereas* it is represented to this Assembly that there are considerable stocks of ammunition lodged in the hands of the enemies of this State<sup>2</sup> in several towns in the County of Cumberland, therefore *Resolved* that the Select-men of such towns are hereby directed to make immediate application for and receive such ammunition and deposit it where it will be at their direction—and in case that the persons who have such ammunition in custody do refuse to give up the same it shall be the duty of such Select-men to seize such ammunition and dispose it as aforesaid; and all persons are hereby commanded to assist the Select-men in the execution of this order—

An Act intitled an Act to grant liberty of sueing in certain cases therein named—passed—

Assembly adjourned until tomorrow morning 8 o'clock.

FRIDAY June 4<sup>th</sup> 1779

Assembly met according to adjournment.

*Resolved* that his Excellency be requested to issue a proclamation

1. See State Papers of Vermont, Vol. I, "Index to the Papers of the Surveyor General." Ira Allen became a land surveyor when only a youth. See "Ira Allen" an address by Darwin P. Kingsley, p. 4.

2. The "enemies of this State" referred, doubtless, to the New York party in south-eastern Vermont, some of whom were Tories. See Governor and Council, Vol. I, p. 303.

of pardon to all rioters<sup>1</sup> &c. which proclamation was read and approved of—

*Resolved* that the *Posse commitatus* that have assisted the Sheriff of the County of Cumberland in the execution of his office in May last be allowed 48p p<sup>r</sup> day—

*Resolved* that Manchester be and is hereby appointed the place for the next election to be holden on the second thursday of Oct<sup>r</sup> next at 9 oclock.

*Resolved* that Maj<sup>r</sup> [Thomas] Chandler, Deacon [Edward] Aikin and M<sup>r</sup> [Joshua] Webb be a Committee to consider the<sup>2</sup> [petition] in favour of Col<sup>o</sup> Rogers's wife and consult her brothers about the affair—and make report to the next Session of Assembly—

This Assembly stands adjourned without day—

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1. See Hall's History of Eastern Vermont, p. 344 and Governor and Council, Vol. I, p. 305 for the names of the persons pardoned.

2. Col. James Rogers was one of the early settlers of Kent (later known as Londonderry). He was active in early Vermont affairs but later went over to the King's troops. His property was confiscated by the Vermont Council of Safety in 1778. Mrs. Rogers was an invalid and she and her children were granted the use of their home and farm. See Governor and Council, Vol. 2, pp. 8, 9. Also see p. 81 of this volume.

JOURNALS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THEIR SESSION HELD AT MANCHESTER ON THE SECOND

THURSDAY OF OCTOBER 1779



## JOURNALS

MANCHESTER THURSDAY OCTOBER 14<sup>th</sup> A. D. 1779 The General Assembly of the State of Vermont having met according to the Constitution of said State proceeded to business.

*Resolved* that STEPHEN R. BRADLEY<sup>r</sup> be and he is hereby appointed Clerk of this Assembly for the present Session.

*Resolved* that THOMAS CHANDLER Esq<sup>r</sup> be and is hereby appointed Speaker of this Assembly for the present Session.

The House proceeded to examine the Certificates of the Members and find that the following persons were legal Representatives of the several towns to which there names are affixed. *viz*<sup>t</sup>

Pownal	{ Capt. Abiathar Angel Mr Benjamin Gardiner	Tinmouth	{ Mr Charles Bruster [Brewster] Mr Solomon Bingham
Bennington	{ Nathan Clark Esq <sup>r</sup> Samuel Robinson Esq <sup>r</sup>	Clarendon	{ Mr Nebediah Angel Mr Ezekiel Clark
Shaftsbury	{ Mr David Galusha Mr John Burnham	Wallingford	—Mr Abraham Ives
Arlington	{ John Fassett [Jr.] Esq <sup>r</sup> Capt. Matthew Lyon	Rutland	{ Mr William Roberts Capt. John Smith
Sandgate	—Mr Bethel Hurd	Pittsford	Mr Ebenezer Drury
Sunderland	—Mr Daniel Cumstalk [Comstock]	Neshoba [Brandon]	Capt. Timothy Barker
Manchester	{ Martin Powel Esq <sup>r</sup> Capt. Gideon Ormsby	Cornwall	—Doct <sup>r</sup> Nathan Foot
Dorset	—Col <sup>o</sup> John Strong	District of Ira	Capt. Isaac Clark
Reuport [Rupert]	—Mr Moses Robinson	Westminster	Nathaniel Robinson Esq <sup>r</sup>
Polle <sup>t</sup> [Pawlet]	—Capt. William Fitch	Kens [Londonerry]	—Deacon Edward Aikin
Guilford	{ Mr John Noyce Mr David Stow <sup>l</sup>	Chester	Thomas Chandler Esq <sup>r</sup>
Hallifax	{ Capt. Hubbel Wells Edward Harris Esq <sup>r</sup>	Weathersfield	—Capt. William Upham
Whitingham	Silas Hamilton Capt.	Cavendish	Mr John Russell
Marlborough	—Mr Jonathan Underwood	Winsor	{ Capt. Ebenezer Curtis Major Benjamin Wait
Wilmington	—Col <sup>o</sup> William Williams	Reading	Andrew Speare
New Fane [Newfane]	—Mr Ebenezer Merrick	Putney	{ Mr Abner Miles Mr Amos Hale
Dummerston	{ Capt. Jon <sup>th</sup> Knight	Townshend	Col <sup>o</sup> Samuel Fletcher
Wells	—Mr John Duncan	Rockingham	{ Joshua Webb Esq <sup>r</sup> Reuben Jones Esq <sup>r</sup>
Castleton	—Ithamier Hibbard	Thetford	Silas Wells Esq <sup>r</sup>
Poultney	Jesse Belknap Esq <sup>r</sup>	Woodstock	{ Mr Stephen Powers Mr Nathan Howland
Danby	{ Thomas Rowley Esq <sup>r</sup> Mr William Gage	Hartford	Amos Robinson Esq <sup>r</sup>
		Strafford	Frederick Smith Esq <sup>r</sup>
		Bearnard	[Barnard] Asa Whitcomb Esq <sup>r</sup>

*Resolved* that the Council be notified that this Assembly are ready to attend divine Service which was accordingly done, and a Sermon Preached by the Reverend M<sup>r</sup> Root.

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1. For biographical sketch of Stephen R. Bradley, see Governor and Council, Vol. 2, pp. 200-203; Crockett's History of Vermont, Vol. 5, History of Bench and Bar, pp. 61-63.

The Representatives then took the oaths necessary to qualify them for a seat in the House.

*Resolved* that a Committee of six (to join a Committee from the Council) be appointed to receive, sort and count the votes of the freemen of this State and declare those who are appointed to the several offices of Governor, Deputy Governor, Treasurer and Counsellors for the year ensuing. Members chosen M<sup>r</sup> [John] Fassett, M<sup>r</sup> [Samuel] Fletcher, M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> Amos Robinson, M<sup>r</sup> N. Clark, and M<sup>r</sup> [Thomas] Chandler.

The Members chosen by the uper house viz Jonas Fay, Timothy Brownson, Moses Robinson, Joseph Bowker and Ira Allen Esquires having joined the above Committee proceeded to receive sort and count the votes agreeable to their appointment, and the Sheriff was ordered to PROCLAIM the following persons chosen to the following offices for the year ensuing viz<sup>t</sup>:

His Excellency THOMAS CHITTENDEN Esq<sup>r</sup> Governor  
The honorable BENJAMIN CARPENTER Esq<sup>r</sup> Deputy Governor

d<sup>o</sup> IRA ALLEN Esq<sup>r</sup> Treasurer

The honorable JOSEPH BOWKER, MOSES ROBINSON, JONAS FAY, TIMOTHY BROWNSON, PAUL SPOONER, JEREMIAH CLARK, BENJAMIN EMMONS, IRA ALLEN, JOHN FASSETT Jun<sup>r</sup>, JOHN THROOP, SAMUEL FLETCHER and THOMAS CHANDLER Jun<sup>r</sup> Esquires Assistants.

Assembly adjourned until tomorrow morning eight oclock—

FRIDAY 15<sup>th</sup> October 1779

Assembly met according to adjournment.

On motion made by M<sup>r</sup> Stephen R. Bradley *Resolved* that Doct<sup>r</sup> ROSWELL HOPKINS be and he is hereby appointed assistant Clerk of this Assembly for the present Session—

*Resolved* that no person by being elected into office shall be obliged to take the oath of Allegiance more than once every year any former Resolution to the contrary notwithstanding.

Assembly adjourned to half past two oclock afternoon.

Assembly met according to adjournment.

Upon the request of Stephen R. Bradley Esq<sup>r</sup> *Resolved* that he be dismissed as a Clerk of the present Session.

*Resolved* that Doct<sup>r</sup> Roswell Hopkins be and is hereby appointed Clerk of this Assembly this present Session.

A Petition signed Asa Douglas was read *Resolved* that it be referred to the next Session of Assembly.

A Petition from sundry men of Wilmington dated Oct<sup>r</sup> 11<sup>th</sup> 1779 setting forth that Col<sup>o</sup> William Williams<sup>r</sup> was illegally chosen a Repre-

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1. For biographical sketch of Col. William Williams see Governor and Council, Vol. 2, pp. 111-112.

sentative for said Wilmington was Read, and on motion made whether Col<sup>o</sup> William Williams be a legal member of this House, *Resolved* in the Affirmative.

This Assembly having taken into consideration the memorial of his Excellency Thomas Chittenden Esq<sup>r</sup> requesting that Edward Veal [Vail] might be authorised to execute a deed of a certain tract of land in Danby &c. Do hereby *Resolve* that the said Edward Veal [Vail] be and is hereby authorized to make and execute to the said Thomas Chittenden Esq<sup>r</sup> his Heirs &c. a good and sufficient deed of bargain and sale agreeable to the covenant made and verbally ratified by and between the said Micah Veal [Vail] deceased and the said Thomas Chittenden Esq<sup>r</sup> as in the memorial which deed when then executed shall be received in any court of record as sufficient evidence to support the title to said land in favour of the said Thomas Chittenden Esq<sup>r</sup> his heirs &c.

*Resolved* that a Committee of three be appointed to join a Committee from the Council to prepare an answer<sup>i</sup> to the speech of his Excellency Thomas Chittenden Esq<sup>r</sup> delivered to this House this day—Members chosen M<sup>r</sup> [John] Fassett, M<sup>r</sup> [Reuben] Jones, and M<sup>r</sup> N. Clark.

*Resolved* that a Committee of two be appointed to wait on the Reverend M<sup>r</sup> Benajah Root to return him the thanks of this House for his sermon preached yesterday at the opening of this Session. Members chosen M<sup>r</sup> [William] Roberts and M<sup>r</sup> J. Smith.

*Resolved* that there be a Board of War chosen to consist of nine persons five of whom to be a quorum to conduct the political affairs of this present War in the northern department in this State the ensuing year.

*Resolved* that a Committee of three be chosen to prepare regulations for this House the ensuing year. Members chosen M<sup>r</sup> S. Robinson, M<sup>r</sup> A. Robinson, and M<sup>r</sup> [Joshua] Webb.

Captain Asa Douglass requested that the petition he presented to this House might be withdrawn whereupon *Resolved* in the affirmative.

Assembly adjourned til tomorrow morning eight o'clock.

SATURDAY October 16<sup>th</sup> 1779

Assembly met according to adjournment.

*Resolved* that the Committee appointed to return the thanks of this House to the Reverend M<sup>r</sup> Root be directed to desire a copy of his sermon preached before this house on the 14<sup>th</sup> inst. With a marginal note

i. In the early history of this State it was customary for a formal reply to be made by the Legislature to the Governor's speech at the opening of the legislative session. At this time it was also the custom for Congress to make formal response to the President's annual message. See Governor and Council, Vol. 2, pp. 5-6 for the text of Governor Chittenden's speech.

inserted in said Sermon giving the reasons for inserting a certain clause respecting taxing Ministers of the Gospel &c.

*Resolved* that a Committee of four be appointed to join a Committee from the Council to form the outlines of the plan to be pursued by this State for defence, against the neighbouring States<sup>1</sup> in consequence of the late Acts of Congress for that purpose—Committee chosen Gen<sup>l</sup> E. Allen M<sup>r</sup> [Reuben] Jones M<sup>r</sup> N. Clark and M<sup>r</sup> [John] Fassett.

*Resolved* that the Resolution passed this House yesterday respecting the petition of the freemen of Wilmington be reconsidered, and after long debate *Resolved* that a Committee of three be appointed to repair to Wilmington to enquire into the disturbances respecting the choosing Col<sup>o</sup> William Williams a Representative for said Town, and report thereon to the next Session of Assembly<sup>2</sup>, and Col<sup>o</sup> Williams to keep his seat til the Committee make report—Members chosen M<sup>r</sup> [Hubbel] Wells, M<sup>r</sup> [Jonathan] Underwood, and M<sup>r</sup> [Silas] Hamilton.

The Committee appointed to prepare Regulations for this House brought in the following Report viz, “That any Member who shall be absent at roll call shall not take his seat without first satisfying the House for such neglect.

That any Member who shall be absent more than fifteen minutes at a time after roll call without leave of the House shall be treated in like manner.

That no member shall speak without leave of the speaker.

That no member shall speak more than twice (without leave of the House) to any case.

That each member keep his seat only when speaking.

That each member who shall withdraw from the Assembly refusing or neglecting to act therewith without first obtaining leave of the House shall be expelled from this Assembly. That any member or spectator refusing to obey the orders of the speaker agreeable to said rules shall be expelled the House, that the doors of the house shall be open to any spectators who shall behave themselves orderly, except when the good of the state shall require the doors to be shut, that the speaker of the House shall immediately put every motion to vote that is seconded unless immediately objected to.

That the officers of the House shall punctually attend at the time of adjournment on penalty of being reduced to private members.”

On motion made *Resolved* that the aforesaid Report be accepted.

1. At this time Vermont was surrounded by hostile neighbors. Congress had adopted resolutions recommending that Massachusetts, New Hampshire and New York pass laws authorizing that body to settle disputes concerning the boundaries in the New Hampshire Grants and declaring that no lands in the disputed territory ought to be granted or sold until a settlement was reached. See Governor and Council, Vol. 2, pp. 167-192, for documents relating to this subject.

2. The Committee reported that Colonel Williams was entitled to retain his seat.

A Petition from sundry inhabitants from Pownall relating to the choice and character of M<sup>r</sup> Benjamin Gardiner a Representative for said Town was read after some debate *Resolved* that the further consideration &c. of said petition be referred till tuesday next in the afternoon.

On motion made by M<sup>r</sup> [Ithamer] Hibbard *Resolved* that he have leave of absence till tuesday next.

A Petition signed Benjamin Dorchester was read *Resolved* that it be referred to a Committee of three to join a Committee from the Council, and report as soon as may be—Members chosen M<sup>r</sup> [Hubbell] Wells, M<sup>r</sup> A. Robinson and M<sup>r</sup> [Joshua] Webb.

A Petition signed W<sup>m</sup> Fitch, Lemuel Clark, Joel Harmon as a Committee of Pollet [Pawlet] was read after some debate *Resolved* that said petition be referred to the next Session of Assembly.

On motion made *Resolved* that the further consideration of the petition &c. of the Town of Pownall relating to M<sup>r</sup> Benj<sup>a</sup> Gardiner be referred until the next Session of Assembly

Assembly adjourned until monday next two o'clock in the afternoon.

### MONDAY October 18<sup>th</sup> 1779

Assembly met according to adjournment.

The Committee to whom the petition signed Benjamin Dorchester was referred brought in the following report, viz<sup>t</sup> “It is our opinion that the said Dorchester has not by any thing that appears to us conveyed his property in the rights of land mentioned in said Dorchesters petition to said Simon Stephens and that the said Stephens has no legal title to said lands by virtue of the deeds delivered to said Stephens by said Dorchester and that said Dorchester has as good right to enter into the possession of said lands as tho he had never delivered said deeds to said Stephens.”

On motion made *Resolved* that the above Report be accepted.

An Act constituting the superior Court and County Court within their respective Counties, Courts of equity and declaring their power—being read *ordered* to ly on the table—

A Petition signed Ethan Allen, Ira Allen being read *Resolved* that it be referred until tomorrow morning.

Assembly adjourned till tomorrow morning eight o'clock.

### TUESDAY October 19<sup>th</sup> 1779

Assembly met according to adjournment.

Voted and *Resolved* that JOSEPH FAY<sup>1</sup> Esq<sup>r</sup> be and is hereby appointed Secretary of this State for the year ensuing.

1. For biographical sketch of Joseph Fay, see Governor and Council, Vol. 1, pp. 122-123.

*Resolved* that a Committee of three to join a Committee from the Council be appointed to prepare an Act for the office and duty of Secretary—Members chosen Mr [John] Fassett, Mr [Matthew] Lyon and Mr A. Robinson.

Upon request of Stephen R. Bradley Esq<sup>r</sup> *Resolved* that the petition signed Ethan Allen and Ira Allen be referred to the Superior Court.

*Resolved* that a Committee of three to join a Committee from the Council be appointed to nominate eighteen persons nine of whom to be chosen by this Assembly for a board of War and Report the names of those nominated to this Assembly—Members chosen—Mr [John] Fassett, Mr I. Clark and Mr [Edward] Aikin.

*Resolved* that Mr N. CLARK be speaker pro Temp

The Report of Mr [Thomas] Chandler, Mr [Joshua] Webb and Mr [Edward] Aikin a Committee appointed by the last Session of Assembly to take into consideration the circumstances of Mrs Rogers wife of Col<sup>o</sup> James Rogers late of Kent, brought in their report which being read, and after a long debate *Resolved* that said report be not accepted.

Assembly adjourned until three o'clock afternoon.

Assembly met according to adjournment.

*Resolved* that the Court of Confiscation be requested to inform this Assembly whether they have empowered Major Chandler to sell lands that have New York title only, or what his instructions are in his commission relative to the sale of lands.

*Resolved* that there be a Committee appointed to deliver the aforesaid message to the said Court of Confiscation—Members Chosen Mr [John] Fassett, Mr [Matthew] Lyon and Mr I. Clark.

The Committee appointed to deliver the aforesaid Message to the Court of Confiscation, returned with the following report viz.

*"In Council 19<sup>th</sup> Oct<sup>r</sup> 1779*

This Council having considered the request of the Assembly relative to Major [Thomas] Chandler, and have no remembrance of authorizing him to sell the New York title by virtue of his Commission.

pr Order JOSEPH FAY Sec'y"

*Resolved* that it is the opinion of this House that the land in Kent [Londonderry] attempted to be sold by Major Thomas Chandler formerly occupied by Col<sup>o</sup> James Rogers is not legally sold.

*Resolved* that a Committee of three to join a Committee from the Council be ordered to confer with Mess<sup>rs</sup> McGregores concerning the support of Mrs Rogers wife of Col<sup>o</sup> James Rogers late of Kent, and report thereon as soon as may be—Members chosen Mr S. Robinson Mr [William] Williams and Mr [Joshua] Webb.

*Resolved* that this Assembly join with the Governor and Council

in a Committee of the whole tomorrow morning to take into consideration several acts of the honorable the Congress of the 24<sup>th</sup> Sept<sup>r</sup> last relating to a settlement of all disputes between the States of New Hampshire Massachusetts—Bay and New York on the one part and the State of Vermont on the other—

An Act appointing Commissioners for the better regulating titles of land within this State and declaring their power—was read and ordered to ly on the table.

Assembly adjourned til tomorrow morning eight o'clock.

WEDNESDAY October 20<sup>th</sup> 1779

Assembly met according to adjournment.

A Petition signed Daniel Mack was read *Resolved* that a Committee of three to join a Committee from the Council be appointed to hear said petition and such other matters that said Mack shall lay before them relative to said petition—Members chosen M<sup>r</sup> J. Smith, M<sup>r</sup> I. Clark and M<sup>r</sup> [Asa] Whitcomb.

The Assembly with the Council according to their Resolution of yesterday resolved into a Committee of the whole to take into consideration several Acts of the hon<sup>ble</sup> the Congress of the 24<sup>th</sup> Sept<sup>r</sup> last relating to a settlement of all disputes between the States of New Hampshire, Massachusetts Bay and New York on the one part and the State of Vermont on the other &c.

The Committee of the whole being disolved the Speaker reasumed the chair and the House proceeded to business.

An act directing and regulating the choice of the Judges of the Superior Court. Passed—

The Committee appointed to confer with Mess<sup>rs</sup> McGregores brought in their report which is as follows viz<sup>t</sup> “Manchester Oct<sup>r</sup> 20<sup>th</sup> 1779 To the General Assembly your Committee appointed to confer with Mess<sup>rs</sup> McGregores, concerning the support of M<sup>r</sup>s Rogers wife of Col<sup>o</sup> James Rogers who having lost the use of her limbs &c beg leave to report as their opinion that M<sup>r</sup>s Rogers with her children be allowed the farm she now lives on in Kent with the buildings and improvements which farm is to contain one hundred and fifty acres lying in a proper form with all the farming and household utensels she now hath, and that Mess<sup>rs</sup> McGregores give bonds of indemnification with sufficient sureties within this State to secure the State from any cost that has or may arisse concerning the said Rogers's family.

JEREMIAH CLARK Chairman.”

*Resolved* that the aforesaid Report be accepted and carried into execution.

The Committee appointed to nominate eighteen persons, brought in their report with the following persons nominated for that purpose, viz Thomas Chittenden Esq<sup>r</sup>, Ira Allen Esq<sup>r</sup>, Joseph Bowker Esq<sup>r</sup>.

Joseph Bradley Esq<sup>r</sup>, Jonas Fay Esq<sup>r</sup>, Major Benjamin Wait, Capt. Ebenezer Allen, Benjamin Emmon [Emmons] Esq<sup>r</sup>, Col<sup>o</sup> Samuel Fletcher, Maj<sup>r</sup> Ebene<sup>r</sup> Wood, William Ward Esq<sup>r</sup> Joseph Fay Esq<sup>r</sup> Timothy Brownson Esq<sup>r</sup> Joshua Webb Esq<sup>r</sup> Capt. [Edmund] Hodges Maj<sup>r</sup> [Joseph] Tyler, Sam<sup>r</sup> Robinson Esq<sup>r</sup> Jonathan Fassett Esq<sup>r</sup>.

*Resolved* to choose by ballot nine persons for a Board of War, when the following persons were accordingly chosen viz<sup>t</sup> His Excellency THOMAS CHITTENDEN Esq<sup>r</sup> IRA ALLEN Esq<sup>r</sup> JOSEPH BOWKER Esq<sup>r</sup> Capt. EBEN<sup>r</sup> ALLEN, JOSEPH BRADLEY Esq<sup>r</sup> Sam<sup>r</sup> FLETCHER Esq<sup>r</sup> Maj<sup>r</sup> BENJ<sup>a</sup> WAIT Capt. JONATHAN FASSETT and TIMOTHY BROWNSON Esq<sup>r</sup>.

*Resolved* that the above nine persons are and they are hereby appointed a Board of War for the ensuing year.

Assembly adjourned until tomorrow morning eight oclock.

[THURSDAY October 21, 1779]

Assembly met according to adjournment.

The Council having joined the house they proceeded to choose Judges of the Superior Court when the following persons were chosen by ballot viz<sup>t</sup> the honorable MOSES ROBINSON<sup>r</sup> Esq<sup>r</sup>, JOHN SHEPHERDSON Esq<sup>r</sup> JOHN FASSETT Jun<sup>r</sup> Esq<sup>r</sup> JOHN THROOP Esq<sup>r</sup> and PAUL SPOONER Esq<sup>r</sup>.

His Excellency Thomas Chittenden Esq<sup>r</sup> requested leave to be excused serving in the Board of War—*Resolved* that he be excused and another chose in his room—Whereupon SAMUEL ROBINSON Esq<sup>r</sup> was chose by ballot—

*Resolved* that there be two persons added to the Board of War—after some debate Reconsidered and Resolved that the afsorsaid addition is unnecessary.

A Petition signed “John Weld proprietors Clerk” being read *Resolved* that said petition be dismissed.

*Resolved* that a Committee of two to join a Committee from the Council be appointed to prepare the power and instructions to be given to the Board of War—Members chosen M<sup>r</sup> Lyon and M<sup>r</sup> Clark.

A Petition signed Ebenezer Allen and a number of his Associates was read and ordered to ly on the table.

(The Committee of the whole brought in the following report viz<sup>t</sup> “Agreeable to the order of the day his excellency the Governor, the Council and House of Representatives, were resolved into a Committee of the whole, to take into consideration the letter of the 25 ult. from his excellency John Jay<sup>2</sup> Esq<sup>r</sup> late president of the Congress of the United States of America, enclosing certain acts of Congress, for an equitable

1. For biographical sketch of Moses Robinson, see Governor and Council, Vol. 1, pp. 128-129.

2. For text of the letter of John Jay and comment thereon, see Governor and Council, Vol. 2, pp. 185-190.

settlement of all differences subsisting between the States of New Hampshire, Massachusetts-Bay<sup>1</sup>, and New York on one part, and this State on the other; and after some time spent thereon the Governor resumed the chair, and the following Resolutions being read several times were agreed to viz<sup>t</sup>

*Resolved* unanimously, that it is the opinion of this Committee that this State ought to support their right to independence, at Congress, and to the World, in the character of a free and independent State.

*Resolved* that this Committee recommend it to the General Assembly to made Grants of all, or any part of the unappropriated lands within their Jurisdiction<sup>2</sup>, that does not interfere with any former Grants, as their wisdom may direct.

Extract from the Minutes

JOSEPH FAY Clerk"

On motion made, *Resolved* unanimously by this Assembly that they agree to the aforsaid Report).

*Resolved* that this Assembly in granting lands will have reference to the conveniency, quality, and situation of the lands, and that they will not take into consideration any petition for lands until a plan thereof be laid before this House by the Surveyor General or such plan or plans as have been previous to their being laid before the Assembly been properly approved by the Surveyor General and duly certified.

Assembly adjourned until 2 o'clock afternoon.

Assembly met according to adjournment.

An impeachment signed Reuben Jones against Matthew Lyon was read, *Resolved* that he is not impeached—

On motion made *Resolved* that this Assembly will not act any more on the paper signed Reuben Jones (called an impeachment) against M<sup>r</sup> Lyon at present.

1. In 1779 the Massachusetts General Court asserted that it had "a clear and indisputable right" to the southern part of Vermont, but in 1780 it decided not to prosecute its claims further. E. P. Walton was of the opinion that the intervention of Massachusetts was made from friendly motives, the desire being to prevent the partition of Vermont between New York and New Hampshire.—Governor and Council, Vol. 2, appendix C, pp. 193-199.

2. This action was contrary to the resolution of Congress advising that no further grants be made until the land dispute had been settled. The granting of new townships by Vermont not only promoted the development of the State, but grants were made from time to time to persons in other States which strengthened their friendship for Vermont. In referring to these grants Ira Allen said: "Without money the frontiers could not be defended or the wheels of government kept in motion. In this situation the Legislature assumed that power which God and nature had blessed them with. They disposed of vacant lands for the preservation of the commonwealth. This judicious and determined procedure disheartened our enemies, encouraged and strengthened our friends, and the money answered to their immediate purposes of government." See Crockett's History of Vermont, Vol. 2, p. 425.

A Petition signed John Payne and his Associates was read—and on the request of the petitioner was withdrawn.

*Resolved* that each petitioner pay thirty pounds for each petition that shall be preferred [referred] to this House requesting this Assembly to settle disputes of a private nature—and the said thirty pounds to be lodged in the Treasury for the benefit of this State.

The Committee appointed to take into consideration the petition of Daniel Mack brought in the following Report viz<sup>t</sup> “That it is our opinion that the said petition ought to be dismissed; at the same time nothing of a Resolution of the House passed the 20<sup>th</sup> inst. (Resolving that the sale of a certain farm lying in the town of Kent [Londonderry] said to be sold by Maj<sup>r</sup> Thomas Chandler to said Mack was not legal) ought not in any wise to be construed to barr said Mack from recovering his just damages in law from said Chandler.

SAMUEL FLETCHER Chairman”

*Resolved* that the afsorsaid Report be accepted.

*Resolved* that there be a Committee of two to join a Committee from the Council appointed to prepare a Bill of the office and duty of Surveyor General—Members chosen M<sup>r</sup> [Thomas] Rowley and M<sup>r</sup> A. Robinson.

*Resolved*, that an Agent be chosen to wait on the honorable the Council, and General Court, of the State of Massachusetts-Bay<sup>1</sup>, to negociate the public business of this State.

*Chose* for the above purpose, by ballot Brigadier-General ETHAN ALLEN—

*Resolved* that, an Agent be chosen to wait on the General Assemblies of the States of New Jersey, Pennsylvania, the lower Counties on the Delaware and Maryland, and to transmit to them the pamphlets in titled “a vindication of the inhabitants of Vermont to the Government of New-York &c.” and to transact any other business with either of the said Assemblies as may be found necessary (in behalf of this State) and report to this Assembly—

*Chose* for the above purpose the honorable IRA ALLEN<sup>2</sup> Esq<sup>r</sup>

*Resolved* that a Committee of three be appointed to prepare a Bill empowering the several towns that have not chosen Representatives to choose them &c. Members chosen M<sup>r</sup> Jones M<sup>r</sup> A. Angel and M<sup>r</sup> [David] Galusha.

A petition signed William Crook was read *Resolved* that it be referred to a Committee of two to join a Committee from the Council, and report thereon as soon as may be—Members chosen M<sup>r</sup> S. Robinson and M<sup>r</sup> [Ithamer] Hibbard.

Assembly adjourned until tomorrow morning eight oclock.

1. See Governor and Council, Vol. 2, pp. 193-199.

2. See Governor and Council, Vol. 2, pp. 235-237.

FRIDAY October 22<sup>d</sup> 1779

Assembly met according to adjournment.

*Resolved*, that five persons be chosen by ballot, Agents in behalf of the freemen of this State, to appear at the Congress of the United States of America, on the first day of February next; and that they, or any three of them, are hereby fully authorized and empowered by the Representatives of the Freemen aforesaid, to vindicate their right to independence at that honourable Board.

And, furthermore, our said Agents, or any three of them, are hereby amply empowered to agree upon, and fully to settle Articles of Union and Confederation in behalf of this State, with the United States, which shall be binding on us, or our constituents and our successors, and our said Agents are hereby further empowered, to transact all other political affairs of this State at Congress, as a free and independent State, and report their proceedings herein to this Assembly as soon as may be.

Agents chosen—General ETHAN ALLEN, the honorable JONAS FAY and PAUL SPOONER Esquires, STEPHEN R. BRADLEY Esq<sup>r</sup> and the honorable MOSES ROBINSON Esq<sup>r</sup>

The Committee to whom was referred the petition of William Crook brought in their Report which being read, *Resolved* that this Assembly do in behalf of the freemen of this State release and forever quit claim unto William Crook of Westminster in the County of Cumberland and State of Vermont all right or title to a certain mill place in said Westminster containing about two acres lying in the eighth lott in the fifth range of said lot said mill place being forfeited to this State by Crean Brush<sup>1</sup> to have and to hold the above described premises forever.

*Resolved* that there be a Committee of two to join a Committee from the Council be appointed to prepare a draught of a Proclamation for a General Thanksgiving &c.—Members chosen M<sup>r</sup> [Hubbel] Wells and M<sup>r</sup> S. Robinson.

An Act in addition to an Act entitled “An Act for the ascertaining town brands, and providing and Regulating branding and branders of horses.” Passed—

The Committee appointed to prepare a Bill for the several towns that have not chosen representatives to choose the same brought in their Report, whereupon *Resolved*, That WHEREAS there are several inhabited Towns in this State that are not Represented in this Assembly agreeable to Constitution; Therefore *Resolved* that the Constable or Constables of each respective town in this State that are not fully represented according to Constitution be and are hereby directed to warn all the freemen of their respective towns to meet together at some convenient time & place to be by them appointed within such town and make

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1. Crean Brush was a notorious “Yorker” and Tory and particularly offensive to the Green Mountain Boys. His step-daughter became the second wife of Ethan Allen. For biographical sketch see Governor and Council, Vol. I, pp. 271-272.

choice of a Representative or Representatives to attend this Assembly at their adjourned Session or Sessions.

An act appointing Commissioners for the better regulating titles of land within this State and declaring their power<sup>1</sup>. Passed—

*Resolved* that it is the opinion of this House that the Justices of the Peace now in office were chosen, and are to officiate for the time being: And that the time being is considered by this House to be until other Justices are appointed by regular County Elections appointed by this Assembly which are to be held as soon as the circumstances of this State will admit.

An act constituting the Superior Court a Court of Equity<sup>2</sup>; passed.

An Act empowering Abraham Ives, Nathaniel Smith, Timothy Bartholomew, Joel Matthews and Hazael Shepherd County Surveyors— Passed.

Assembly adjourned until two o'clock afternoon.

Assembly met according to adjournment.

A petition signed Benjamin Hopkins, Jacob Safford and George Sexton as a Committee of Col<sup>o</sup> Warners Regiment was read—*Resolved* that it be referred to a Committee of three to join a Committee from the Council and report as soon as may be—Members chosen M<sup>r</sup> [Ithamer] Hubbard, M<sup>r</sup> I. Clark, and M<sup>r</sup> [William] Williams.

The Committee appointed to point out the office and duty of Surveyor General brought in the following report viz<sup>t</sup> “That it is the duty of Surveyor General<sup>3</sup> to form a general map or maps of this State for the use of this State according to a resolve of the General Assembly at their Session in June last and that it be done at the cost of this State. And that the Surveyor General have authority to deputise one or more meet person or persons to be Surveyors under him to lay out lands, run lines and ascertain boundaries upon oath.

And that it shall be the duty of said Surveyor General to examine all surveys and plans that shall be made by any of his deputies, or any previous survey or plan that has been made by any approved surveyor in order to be exhibited to the General Assembly of this State in order to obtain grants of land within said State, and approve or disapprove of said survey as it may appear to said Surveyor General to comport with the true intent and meaning of the General Assembly in the resolve they past the 20<sup>th</sup> of Oct<sup>r</sup> inst. viz<sup>t</sup> “that no petition to this Assembly for lands be considered in this Assembly unless a survey or plan of said land be first made by the Surveyor General.” And that when any orders shall be given by the Governor and Council or General Assembly of this State relative to laying out any tract or parcel of land running or ascertaining boundaries within said State.

1. See address of the first Council of Censors, Slade's Vermont State Papers, p. 537.

2. See Slade's Vermont State Papers, pp. 538-539.

3. See Index to the Papers of the Surveyor General, Vol. I, State Papers of Vermont.

And that said Surveyor General shall execute said orders without unnecessary delay."

*Resolved* that the aforesaid Report be accepted.

*Resolved* that the second and fifth regiments of militia within this State be divided into three regiments, and that a Committee of three be appointed to prepare a Bill for such division. Members chosen M<sup>r</sup> S. Robinson M<sup>r</sup> [Matthew] Lyon and M<sup>r</sup> N. Clark.

An act regulating the time and place for holding Superior Court. Passed—

On motion made *Resolved* that a Committee of two to join a Committee from the Council to affix the Salary of the Governor for the preceeding and ensuing years.

The Committee appointed to point out the office and duty of Secretary of State brought in their report which being read *Resolved*, that it is the duty of the Secretary of State to keep a regular office and register all the proceedings of the General Assembly of this State, Charters of incorporation, Grants of land made within this State, and to receive on file all petitions and remonstrances and grant copies thereof when thereto requested, taking therefor his lawful fees.

On motion made *Resolved* that a Committee of three be appointed to enquire into the Militia Act and see what alterations there is necessary to be made, and make the same, and report to this House—Members chosen M<sup>r</sup> I. Clark, M<sup>r</sup> [Gideon] Ormsby and M<sup>r</sup> [Daniel] Cumstalk [Comstock].

Assembly adjourned until tomorrow morning eight oclock.

SATURDAY October 23<sup>d</sup> 1779

Assembly met according to adjournment.

The Committee appointed to prepare a Bill for dividing the second and fifth Regiments into three Regiments brought in their report which being read, *Resolved*, by this Assembly that said Regiments be divided as follows viz<sup>t</sup> begining at the northwest corner of Shaftsbury, thence easterly on the north line of the towns of Shaftsbury and Glastenbury to the County line thence northerly on the County line until it comes to the northeast corner of Harwich<sup>1</sup>, thence westerly on the north line of Harwich [Mount Tabor] Danby and Pollet [Pawlet] until it comes to the northwest corner of said Pollet [Pawlet] thence southerly to the first mentioned bounds.

The Committee appointed to affix the Governors Salary brought in the following report viz<sup>t</sup> "It is our opinion that his Excellency the Governor ought to be paid seven hundred pounds in addition to the three hundred pounds granted to him by the General Assembly in October last for the year past. And that his Excellency ought to have one

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1. The name of Harwich was changed to Mount Tabor in 1803.

hundred pounds the year ensuing as good as money was in the year 1774<sup>1.</sup>"

*Resolved* that said Report be accepted.

A Petition signed Sam<sup>1</sup> Robinson, Moses Robinson and several others praying that a Court House and Goal [jail] may be built in Bennington *Resolved* that the prayer of said petition be granted under such restrictions and regulations as this House shall Judge necessary—and that a Committee of two to join a Committee from the Council be appointed to prepare a Bill for that purpose—Members chosen M<sup>r</sup> [John] Strong<sup>2</sup> and M<sup>r</sup> [Edward] Harris.

*Resolved*, that the Surveyor General be and he is hereby directed to advertise in the public papers for all Charters of lands that have been granted<sup>3</sup> by either of the States of the Massachusetts Bay, New Hampshire or New York to be recorded in his office at the expence of this State.

*Resolved* that a Committee of four to join a Committee from the Council be appointed to take into consideration the various petitions for lands exhibited to this Assembly and to make report of such petitions as they shall Judge ought to be granted at this Session, and also the price for such lands so to be granted, and report as soon as may be—Members chosen M<sup>r</sup> N. Clark, M<sup>r</sup> [John] Smith, M<sup>r</sup> [Matthew] Lyon and M<sup>r</sup> A. Robinson.

A Petition signed John Payne<sup>4</sup> and Associates was read, *Resolved* that it be refered to a Committee of three to enquire into said petition—Members chosen M<sup>r</sup> [Andrew] Sphere [Speare], M<sup>r</sup> [John] Smith and M<sup>r</sup> S. Robinson.

An Act appointing the freemen of the several towns that have not chose Representatives to chuse them, Passed—

M<sup>r</sup> Ithamir Hibbard requested leave of absence until tuesday next —granted.

The Committee appointed to prepare the power and instructions

1. The depreciation in Continental currency had begun about Sept. 1, 1777 and had increased steadily. On Jan. 1, 1778, a silver dollar was worth \$1.40 in paper; on Jan. 1, 1779, a silver dollar was worth \$4.50 in paper; on Jan. 1, 1780 it took \$20 in paper to equal one silver dollar and on Sept. 1, 1780, one silver dollar was worth \$72 in Continental money. At this time, or a few days thereafter (Nov. 1, 1779) the ratio between paper and silver dollars was 16 to 1. In subsequent references to salaries, figures that seem abnormally high are explained by the depreciation of the currency. See Slade's Vermont State papers, p. 430, for a table of comparison between paper and hard money.—Governor and Council, Vol. 2, p. 10.

2. For biographical sketch of John Strong see Governor and Council, Vol. 2, p. 106.

3. Great confusion prevailed concerning land titles. Surveys often had been made carelessly. Many years had intervened since Governor Wentworth had made his grants and the period had been prolonged by the war. Massachusetts had made some grants prior to the issuing of the Wentworth charters. New York had made subsequent grants and in some instances had confirmed New Hampshire grants. This resolution appears to have been an attempt to begin at the beginning in an effort to establish titles to property. See Crockett's History of Vermont, Vol. 2, pp. 401-402.

4. See p. 92 relating to grant of township of Bethel to John Payne and his associates.

of the Board of War<sup>1</sup> brought in their report which being read *Resolved* that the members of the Board of War be and are hereby impowered to meet and appoint their President and Secretary which President shall have power to call together the members of said Board with the advice of one or more of the members; and their Secretary shall keep Records of their procedures—and they shall have power to examine into the necessity of the defence of the frontiers, and recommend to the Captain General the raising any number of men (said Board to appoint their officers) for any time not exceeding nine months as they shall judge proper—and also the calling out the militia in such number and proportion as they shall judge necessary—and if necessity call for it, to procure provision, and to store a sufficient quantity for the year ensuing, in order to supply the soldiers that are or may be employed for the security of the frontiers of this State in case that by any means the Continental Commissaries neglect to supply the garrisons there; and shall have power to nominate and appoint a Commissary in order to procure and store such provisions and to draw on the Treasury for the money to defray the charge thereof.

M<sup>r</sup> [Bethel] Hard [Hurd] requested leave of absence until tuesday next; and M<sup>r</sup> N. Clark and M<sup>r</sup> [Jesse] Belknap until 2 o'clock afternoon on monday next Granted—

Assembly adjourned til two o'clock afternoon.

Assembly met according to adjournment.

A Petition signed Ethan Allen, Samuel Herrick, Benjamin Wait, Jonas Fay and three hundred and [sixty three] of their Associates, being read, therefore *Resolved* that the land described in said petition be chartered unto Ethan Allen, Samuel Herrick, Benjamin Wait, and Jonas Fay Esquires and their associates as described in their petition and schedules thereunto affixed by the name of the "Two Heroes<sup>2</sup>"

The Committee appointed to prepare a Bill for erecting a Court House and Goal in Bennington brought in the following Report viz<sup>t</sup> That it is our opinion that said petitioners build and compleat a convenient Court House and Goal in some convenient place in said town of sufficient bigness for the use of said County and have said Court House and Goal compleated by the first day of September next, and that the Courts of judicature for the County of Bennington be held one half of the time at said House during the present situation of said County in respect to its bounds as they now stand.

"JOSEPH BOWKER Chairman"

1. The Governor and Council had been constituted a Board of War in February, 1779. Governor and Council, Vol. 1, p. 288.

2. This grant included the islands of Grand Isle (also known as Great Island and Grand Deal) and North Hero (also known as Long Island). In 1798 Grand Isle was divided into two townships, South Hero and Middle Hero.

In 1810 Middle Hero became the township of Grand Isle. North Hero was established as a separate township in 1788. See Vermont State Papers, Vol. 2, (Vermont Charters), pp. 192-195, 321, 330, 350, 357; New Hampshire State Papers, Vol. 26, pp. 664, 686, 6, 715, 722. See subsequent resolution introduced Oct. 26, 1779, p. 90.

*Resolved* that the aforsaid Report be accepted.

The Committee appointed to enquire into the worth of the land referred to in the petition of John Payne<sup>1</sup> and associates brought in the following Report viz<sup>t</sup> "That it is Our opinion that M<sup>r</sup> John Payne (as he paid two thousand dollars as early as March 1778 which the State had the benefit of) that he pay one thousand and three hundred pounds as an additional sum to the six hundred pounds already paid for the township of Bethel. FREDERICK SMITH Cha<sup>m</sup>

*Resolved* that the above Report be accepted.

The Committee appointed to take into consideration a petition from Benjamin Hopkins and others a Com<sup>r</sup> of Col<sup>o</sup> Seth Warners Regiment—brought in their Report which being Read *Resolved* that this Assembly pledge the faith of this State to make good the depreciation of the circulating medium<sup>2</sup> to all the officers and soldiers of Colonel Seth Warners Regiment that were inhabitants of this State when they engaged in said Regiment to the end that they should have the engagements that was made them when they engaged in the service of these States made good in every sense of the word.

*Resolved* that a township six miles square in the northern part of this State be granted in equal shares to said officers and soldiers<sup>3</sup> as soon as it can be conveniently surveyed (reserving five public rights or shares) and the worth of said land can be ascertained to be accounted for in making good part of said depreciation. And further *Resolved* that the sum of two hundred pounds lawful money be paid to Col<sup>o</sup> Seth Warner—one hundred and fifty pounds be paid to Lieut. Col<sup>o</sup> Samuel Safford—one hundred pounds be paid to the heirs of Maj<sup>r</sup> Wait Hopkins deceased—seventy five pounds be paid to each Captain in said Regiment that were inhabitants as aforsaid—fifty pounds be paid to each Subaltern in said Regiment that were inhabitants as aforsaid—and that thirty pounds be paid to each Non-commissioned officers and soldier that were inhabitants as aforsaid. The above sums to be paid out of the treasury of this State to the Colonel or Lieutenant Colonel of said Regiment on the first day of January next to be applied for the purposes aforsaid in part of said depreciation—

*Provided always* that no person shall be entitled to the sum and grant before mentioned who have been or may be taken under the protection or patronage of any other State.

Assembly adjourned until nine o'clock in the forenoon of monday next.

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1. See p. 92.

2. See note p. 86 on depreciation of the currency.

3. The township of Eden was granted to Col. Seth Warner and seventy-one associates Aug. 28, 1781. See State Papers of Vermont, Vol. 2, p. 289.

MONDAY October 25<sup>th</sup> 1779

Assembly met according to adjournment.

*Resolved* that the proprietors of Bethel<sup>1</sup> have five years to settle the same, and to have liberty until the first day of January next to pay the ballance that is due to this State according to the report of Committee appointed to enquire into the worth of said land.

*Resolved* that there be a Committee of two appointed to report what settlement the proprietors of the township of Bethel shall make in the five years—Members chosen M<sup>r</sup> I. Clark and M<sup>r</sup> [William] Williams—*Resolved* that M<sup>r</sup> S. Robinson join the aforsaid Committee with a Committee from the Council to prepare some mode that the proprietors of Bethel shall take towards the settlement of said town.

Assembly adjourned until 2 o'clock afternoon.

Assembly met according to adjournment.

The Committee appointed to enquire into the several petitions for lands &c. brought in their Report which being read *Resolved* that said Report be not accepted.

*Resolved* that a Committee of three to join a Committee from the Council be appointed to see what petitions there are on file in the Secretarys office that can be granted this Session<sup>2</sup>—Committee chosen Col<sup>o</sup> Strong, Brigadier General Allen and Major Wait.

A Petition signed Assaph White was read—*ordered* to lie on the table.

*Resolved* that the Counsellors and Representatives be allowed fifteen dollars<sup>3</sup> p<sup>r</sup> day while in service and one dollar p<sup>r</sup> mile in coming from their respective places of abode to this place.

On motion made *Resolved* that this Assembly will reconsider the Resolution concerning the price of granting the township of Bethel: after some debate the question being put whether this Assembly will augment the price for granting the said township *Resolved* in the negative.

*Resolved* that all Bills of a public nature and all resolves be sent to the Governor and Council for their concurrence or proposals of amendment before they pass this House.

Assembly adjourned until tomorrow morning eight o'clock.

TUESDAY October 26<sup>th</sup> 1779

Assembly met according to adjournment.

A Petition signed Benjamin Henshaw was read; *Resolved* that the said petition be referred to the next Session of Assembly at which time they will judge in the matter of said petition if it is properly referred by the agents of each proprietor concerned.

1. See p. 92.

2. See Governor and Council, Vol. 2, pp. 11-12.

3. See note p. 86 for depreciation in currency. This salary represented approximately one dollar per day in hard money.

*Resolved* that Elish Clark of Tinmouth be and is hereby appointed County Register for the County of Bennington to Record deeds of land lying where there is no town Clerk<sup>1</sup>, and that Amos Robinson Esq<sup>r</sup> be and is hereby appointed County Register for the County of Cumber-land for the like purpose.

Assembly adjourned til 2 o'clock afternoon.

Assembly met according to adjournment.

*Resolved* that the land called the Two Heroes<sup>2</sup> be granted under the following restrictions, viz<sup>t</sup> that the grantees pay into the treasury of this State ten thousand pounds lawful money by the middle of December next, and that a Committee be appointed to collect said money by said time with power to erase those names that do not pay their equal share of said £10,000 by the 20<sup>th</sup> of December next, and place others in their room—That five equal shares in each Island be sequestered for the use of the Ministry, schools, colledge &c.—That the conditions of settling be as follows, viz. each grantee to enter or procure a settler to enter on his grant within three years next after the conclusion of the present war with Great-Britain, or the now Provience of Quebeck shall be united with the other independent States of America, previous to which each grantee shall begin within one year, and clear or cause to be cleared on his grant five acres, and shall erect a dwelling house which shall not be less than eighteen feet square on the floor and properly finished to live in, within the said term of three years.

*Resolved* that the first Class of the States lottery<sup>3</sup> be postponed drawing until the first day of February next.

*Resolved* that a Committee of two to join a Committee from the Council be appointed to enquire into the reasons why the land of Phineas Hurd (late of Arlington deceased) represented to be forfeited for his inimical conduct towards these States may not be sold, And to enquire into the circumstances of the families of Stephen Fairchild and Austin Seelye—Members chosen M<sup>r</sup> [John] Smith and M<sup>r</sup> N. Clark.

*Resolved* that the Governor and Council or any one of them that they shall appoint be impowered to receive the money that is to be paid for granting the Two Heroes according to a Resolve passed this day.

A petition signed Timothy Andrus was read *Resolved* that the prayer of said petition be granted, and that a Committee of five be appointed any three of whom shall go at the expense of the proprietors of Guildhall<sup>4</sup>, Granby, and such other towns as they shall survey under

1. This resolution represented a further effort to bring order out of confusion in the matter of land titles.

2. See note p. 87.

3. See pp. 89-90.

4. The townships of Guildhall and Granby were granted by Governor Wentworth of New Hampshire, Oct. 10, 1761, to Elihu Hall and sixty-three associates. See Vermont State Papers, Vol. 2, pp. 298, 300; Crockett's History of Vermont, Vol. 1, pp. 219-220 for Guildhall.

the direction of the Surveyor General, and make a survey and establish the bounds of the said Guildhall, Granby and eight other towns to the northward and Lunenburgh to the southward of said Guildhall if requested by said proprietors and make Report to this Assembly as soon as may be—Committee chosen Timothy Bartholomew Esq<sup>r</sup> or Maj<sup>r</sup> Joel Matthews Surveyor [General.] Capt. Samuel Payne, Maj<sup>r</sup> Wilds, Col<sup>o</sup> Robert Johnson and Frederick Smith Esq<sup>r</sup>.

The Committee appointed to prepare or fix some method for the settlement of the township of Bethel<sup>1</sup> brought in the following report viz<sup>t</sup> “That it is the opinion of your Committee, that each proprietor cultivate five acres on each right within the term of three years from the date of said Grant—and that each of said proprietors build a House not less than eighteen feet square and be in actual possession of the premises within five years from the date aforesaid and continue to improve said land—and for non-compliance therewith said land to revert back to the freemen of this State.

Moses Robinson Chairman.”

*Resolved* that the aforesaid Report be accepted.

Assembly adjourned until tomorrow morning eight o'clock.

### WEDNESDAY October 27<sup>th</sup> 1779

Assembly met according to adjournment.

*Resolved* that a Committee of three to join a Committee from the Council be appointed to prepare a Bill to set forth in what manner the Militia shall choose field and other Commissioned officers in vacant regiments—Members chosen Mr [John] Smith, Mr [Matthew] Lyon and Mr S. Robinson.

*Resolved* that thursday the second day of December next be and it is hereby appointed a day of Thanksgiving throughout this State and his Excellency the Governor is requested and authorized to issue his proclamation for that purpose.

WHEREAS it is absolutely necessary that a printing office be erected within the limits of this State<sup>2</sup>, to print the laws that are or may be enacted by the legislature from time to time; to publish a Newspaper under the signature of this State; and to do other incidental business &c.

1. See p. 92.

2. The need expressed in the introduction of these resolutions led in time to the removal of the printing office of Judah P. and Alden Spooner from Dresden (Hanover), N. H. to Westminster, Vt., and the establishment there of the first Vermont newspaper, the *Vermont Gazette or Green Mountain Post Bo;*, by Judah P. Spooner and Timothy Green. See Governor and Council, Vol. 2, pp. 12-13; Thompson's Vermont, Part 2, pp. 171-172. No printer was obtained at this time and the committee was dissolved. Later Stephen R. Bradley made an agreement with Timothy Green of New London, Conn., to send Mr. Green's son to Vermont as a printer. See Governor and Council, Vol. 2, p. 38.

Therefore *Resolved* that Edward Harris Esq<sup>r</sup>, Major Benjamin Wait and Amos Robinson Esq<sup>r</sup> be and they are hereby appointed a Committee to procure a printer for the purpose aforsaid—Said Committee are hereby impowered to wait on M<sup>r</sup> Alden Spooner printer to this State now at Dartmouth Colledge, and give him the Offer of continuing printer to this State provided he will remove his press to Westminster without loss of time—and if said Spooner should refuse or neglect to move his press as aforsaid, then said Committee are likewise impowered to made application to some other printer to move to the place and do the business as aforsaid without loss of time.

*Resolved* that the notifications or warnings for proprietors meetings may be taken out of the *Connecticut Courant*<sup>1</sup> and inserted into other public Newspapers as the proprietors may judge necessary.

The Committee appointed to enquire why the lands of Phineas Hurd late of Arlington deceased may not be sold; and the circumstances of the families of Stephen Fairchild and Austin Seelye brought in the following report viz<sup>t</sup> “It is our opinion that the estate of the said Hurd be sold—and the circumstances of the above families be and remain under the direction of the Court of Confiscation for this State.

NATHAN CLARK, Chairman”

*Resolved* that the above Report be accepted.

An Act empowering the several towns that have no Justices of the Peace to choose the same. Passed.

Assembly adjourned until half after one o'clock afternoon.

Assembly met according to adjournment.

WHEREAS this Assembly have Resolved to Grant to M<sup>r</sup> John Payne and his Associates the township of Bethel<sup>2</sup> for the sum of one thousand and three hundred pounds in addition to what he hath already paid—And to Gen<sup>l</sup> Ethan Allen, Col<sup>o</sup> Sam<sup>l</sup> Herrick, Maj<sup>r</sup> Benjamin Wait and Jonas Fay Esquire and their Associates (whose names are mentioned in the schedules affixed to the petition) the two Islands in lake Champlain by the name of the Two Heroes for the sum of ten thousand pounds—

1. During the early period of Vermont history, beginning with the region known as the New Hampshire Grants, before a newspaper was established in this State, the *Connecticut Courant*, later known as the *Hartford Courant*, and the *Worcester*, (Mass.) *Spy* were used by Vermonters for the publications of legal and other notices. See Crockett's History of Vermont, Vol. 1, pp. 330, 355, 365.; Vol. 2, p. 201.

2. See Vermont State Papers, Vol. 2, Vermont Charters, pp. 23-24, 268,322; New Hampshire State Papers, Vol. 26, p. 633; Governor and Council Vol. 2, p. 14. Bethel was the first township granted and chartered by Vermont.

And to Major Benjamin Wait<sup>1</sup> and his Associates the Isle of Mott<sup>2</sup> agreeable to his petition—And to Col<sup>o</sup> Danforth Kyes and his Associates the tract of land called Royalton<sup>3</sup>—And to Lieutenant Jonathan Meachum and associates the tract of land called Benson<sup>4</sup>—And to Captain Ebenezer Allen and his associates the tract of land called Fair Haven<sup>5</sup>, as by the several petitions and surveys may be seen—*Resolved* that his Excellency the Governor and Council be desired to carry the above Resolves into execution under such restrictions and regulations as they in their wisdom shall judge will most conduce to the best good of this State, and to make out Charter of incorporation of the aforsaid tracts of land agreeable to the Resolution of the General Assembly.

*"In Council Oct<sup>r</sup> 27<sup>th</sup> 1779*

The aforsaid Resolutions was read and concured with except the township of Bethel<sup>6</sup> which they unanimously decent [dissent] from, and desire the same may be entered in the Journals of the Assembly.

Extract from the minutes.

Jos. FAY Secy"

1. Benjamin Wait was the first settler in the town of Waitsfield. For biographical sketch, See Governor and Council, Vol. 1, pp. 156-158.

2. This township, an island in Lake Champlain, was granted Oct. 27, 1779, to Benjamin Wait and ninety-five associates. The name was changed to Vineyard in 1802 and in 1830 was changed again to Isle La Motte. The first white settlement within the present limits of Vermont was made on Isle La Motte, in 1666, when Pierre de St. Paul, Sieur la Mothe (or la Motte) a captain of the Carignan regiment of the French army, with a few companies of soldiers, erected a fort, which was completed in July. It was named Fort St. Anne and was the most advanced of the Canadian outposts erected to guard against the incursions of the Iroquois Indians. A Roman Catholic chapel was erected here in 1666, which was the first edifice in Vermont erected for Christian worship. Bishop Laval, the first Bishop of Quebec, gave confirmation here in 1668, which is said to have been the first Catholic confirmation given within the present limits of the United States. This island was granted as a French seigniory, but no settlement was made. See Vermont State Papers, Vol. 2, pp. 103-104, 308; Crockett's History of Vermont, Vol. 1, pp. 119-126.

3. On Nov. 13, 1769, Lieutenant Governor Colden of New York made a grant of 30,000 acres, including Royalton and vicinity. The Vermont Legislature, on Dec. 20, 1781, granted the town of Royalton containing 22,320 acres, to Comfort Seaver and sixty-two associates. A force of Indians and Tories invaded Royalton on Oct. 16, 1780, killing two men, wounding several others, taking twenty-six prisoners and burning in Royalton twenty-one houses and sixteen barns filled with hay and grain. See p. 120; Vermont State Papers, Vol. 2, p. 341; Crockett's History of Vermont, Vol. 2, pp. 266-269; Governor and Council, Vol. 2, pp. 18, 20-21.

4. This township was granted to James Meacham and his associates May 5, 1780. A New York grant of 5,000 acres, made Sept. 8, 1770, to William Farquhar, included a part of Benson. The name is said to have been given in honor of Egbert Benson, a prominent resident of New York, who afterward served as one of the commissioners to settle the dispute between New York and Vermont. See Vermont State Papers, Vol. 2, pp. 18-20, 267; Hemenway's Vermont Historical Gazetteer, Vol. 3, p. 405. The text of the charter describes the tract as "beginning on the east Bank of Lake Champlain six miles south from where the English Flag Staff formerly stood at Tyconderoga Fort, it being the southwest corner of the township of Orwell."

5. The township of Fair Haven was granted to Capt. Ebenezer Allen and seventy-six associates. In 1792 it was divided, West Haven being made a separate township. See Vermont State Papers, Vol. 2, pp. 73-74, 291-292.

6. See Governor and Council, Vol. 2, p. 14.

*Resolved* that the Governor and Council be and they are hereby impowered to chuse a Committee or Committies to survey and ascertain the bounds of the several towns in this State at their respective costs, and report to the General Assembly at their next Session in order to be confirmed.

*Resolved* that a Committee of two to join a Committee from the Council be appointed to prepare a Bill to lay an embargo on wheat flour<sup>1</sup>&c.—Members chosen M<sup>r</sup> [Reuben] Jones & M<sup>r</sup> [Edward] Harris.

*Resolved* that a Committee of two to join a Committee from the Council to State the fees of the Judges of the Superior Court, attorneys fees, Juries fees, and County Surveyors fees—

*Resolved* that a Committee of three be appointed to prepare a Bill for martial law<sup>2</sup>—Members chosen, M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [John] Fassett and M<sup>r</sup> S. Robinson.

*Resolved* that the monies arising on granting all lands be paid into the Treasury of this State.

*Resolved* that the Clerk of this Assembly be allowed six pounds lawful money p<sup>r</sup> day.

On motion made by M<sup>r</sup> Fitch *Resolved* that he have liberty to withdraw the petition signed “William Fitch, Lemuel Clark and Joel Harmon.” which was accordingly done.

An act in addition to, and alteration of an Act entitled “An Act for regulating and stating fees”—passed.

*Resolved* that all the Acts and Laws that is contained in a book entitled the “Acts and Laws of the State of Vermont” be revived and continued in force until the next Session of Assembly.

“I the subscriber desent from the vote of this House in the grant made to M<sup>r</sup> John Payne and associates of the township of Bethel by reason of the price of said town being too low.

BENJAMIN GARDINER”

*Resolved* that there be a loan office in this State for the year ensuing.

*Resolved* that IRA ALLEN Esquire be and is hereby appointed Trustee of the Loan office.

A petition signed Anne Weller was read *Resolved* that said petition be refered to the next Session of Assembly.

The Committee appointed to amend the Militia Act brought in their Report which being read *Resolved* that said Report be refered to the next Session of Assembly.

*Resolved* that the sum of one hundred pounds be paid to his Excellency the Governor the said one hundred pound to be made as good as money was in the year 1774 in addition to his sallary for the ensuing year.

1. See pp. 97, 103; Governor and Council, Vol. 2, p. 22. It was feared that exportation of provisions would interfere with obtaining supplies for the army.

2. See p. 106

*Resolved* that thirty pounds be paid to the Widow Weller for the use of her house this present Session.

WHEREAS it has been represented to this Assembly that the transporting large quantities of provisions out of this State for private uses greatly augments the prices thereof as well as impeeds purchasing such provisions as are necessary for the Continental Army and the troops for the defence of this State; therefore *Resolved* that his Excellency the Governor be requested to issue his proclamation forbiding the exportation of any wheat or wheat flour after this day; except such as is purchased by the Commissary for the use of the army on penalty of forfeiting the sum or the value thereof to the use of this State, except such as is necessary to procure salt and other necessaries for the use of any private family or families, or such as has been bargained away before this day as aforsaid in either of which cases any Assistant or Justice of the peace of the County may give license for the exportation of such quantity of any of the foregoing articles as they shall judge necessary for the purposes aforsaid—which proclamation is to continue in force until the next Session of Assembly and no longer—Provided always that his Excellency the Governor and Council shall have it in their power to take of [off] said embargo before that time if it shall be found necessary.

*Resolved* that three hundred pounds be given unto M<sup>r</sup> Alden Spooner if he will settle and remove his press to Westminster according to a Resolution of this House passed this day.

*Resolved* that the Sheriff be allowed fifteen dollars pr<sup>r</sup> day for his attending on the Council this present Session.

*Resolved* that this Assembly be adjourned until the second Wednesday of March next then to meet at Westminster Court House at nine o'clock in the morning.



JOURNALS  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT

AT THEIR ADJOURNED SESSION HOLDEN AT WESTMINSTER  
THE THIRD [SECOND] WEDNESDAY OF MARCH 1780.



# JOURNALS

## WESTMINSTER

WEDNESDAY March 8<sup>th</sup> 1780

The General Assembly of the State of Vermont met according to their adjournment in October last.

Lieutenant Jacob Galusha a Representative from Arlington—produced his Credentials and took the necessary oaths to qualify him to a seat in this House—

Assembly adjourned until tomorrow-morning eight o'clock.

THURSDAY March 9<sup>th</sup> 1780

Assembly met according to adjournment—

Elias Weld Esq<sup>r</sup>, M<sup>r</sup> Nathan Howland and Amos Hail [Hale] Esq<sup>r</sup> appeared (their Credentials were delivered in last Session) and took the necessary oaths to qualify—them to a seat in this House.

His Excellency the Governor made a Speech verbally to this House.  
Assembly adjourned until two o'clock afternoon.

THURSDAY March 9<sup>th</sup> 1780—

The Committee appointed last Session and were ordered to repair to Wilmington to enquire into the matter of grievance relative to the legality of the choice of Col<sup>o</sup> William Williams as a Representative for said town brought in the following Report viz.

*"Willmington Feby 29<sup>th</sup> 1780—*

"To the hon<sup>b</sup>le the General Assembly of the State of Vermont,

"We Your Committee having repaired to this place according to our instructions and having heard the matter of dispute at large from each party, beg leave to Report as follows, viz, The first complaint against said election as not being legal, which we shall mention, is that the Selectmen of said Wilmington assumed the right of approbating men to be freemen in said State. Secondly the said complaining party further complained that they were foreclosed at their adjourned meeting by the Moderator of said meeting from bringing forward and making proof of their objections against those persons purposed to be received as freemen. We would submit to your honors our opinion in regard to the first of those complaints in the following order, viz, we conclude the Selectmen in each town in this State have the sole right of appro-

bating men to be freemen and the said Selectmen were legal freemen themselves before they did approbate others to be freemen—and we also find that said men which were then approbated altho some of whom had not been in said town a year: Yet said men had at that time an evident common interest with and attachment to the community and had a right to the liberties of freemen in said State—and as to any person being foreclosed from objecting and proveing their objections against said approbated men's being received as freemen, we find they had all reasonable opportunity by Esq<sup>r</sup> Harris whom they chose to be moderator of said meeting to bring in and prove their objections if any they had, but find that said complainers, complain without a cause, and we your honors Committee further submit it as our opinion there is not any thing proved against said Col<sup>o</sup> Williams in regard to his being elected whereby he should be debar'd from a seat in the hon<sup>ble</sup> Assembly.

Signed p<sup>r</sup> order Committee  
HUBBEL WELLS Chair<sup>m</sup>,

The aforesaid Report being read *Resolved* that Col<sup>o</sup> William Williams keep his seat as a member of this House—

*Resolved* that a Committee of three<sup>1</sup> be appointed to prepare a plan for the defence of the northern frontiers—the Members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Ithamer] Hibbert [Hibbard] and M<sup>r</sup> [William] Williams—

M<sup>r</sup> Daniel Gilbert of Sharon and Lieut. Elias Stephens of Royalton delivered in their credentials, and took the necessary oaths to qualify them for a seat in this House.

*Resolved* that a Committee of three be appointed<sup>2</sup> to take into consideration the grain that is or may be purchased by Commissaries to transport out of this State and Report their opinion to this House concerning the same. Members chosen M<sup>r</sup> [Nathan] Clark, M<sup>r</sup> [William] Roberts and M<sup>r</sup> [Ebenezer] Drury.

*Resolved* that a Commissary of Purchases be appointed.

The ballots being taken JOSEPH BOWKER ESQUIRE was elected.

*Resolved* that a Committee of three be appointed to prepare a Bill to prohibit the transporting out of this State provisions<sup>3</sup> of any kind &c. Members chosen M<sup>r</sup> Stephen R. Bradley, M<sup>r</sup> [Asa] Whitcomb and M<sup>r</sup> [Edward] Harris.

*Resolved* that this Assembly will hear such causes of a private nature as may be laid before them tomorrow in the forenoon—

Adjourned until tomorrow morning eight oclock.

1. See Governor and Council, Vol. 2, p. 23 (footnote).

2. See p. 97.

3. See pp. 96, 97.

FRIDAY March 10<sup>th</sup> 1780

Assembly met according to adjournment.

*Resolved* that the Company under the command of Capt. Jesse Safford be furloughed by him until he shall receive orders to call them together.

A petition of Lieutenant Col<sup>o</sup> James Claghorn was read, whereupon *Resolved* that said petition, be dismissed.

The Committee who was appointed to prepare a plan for the defence of the northern frontiers brought in the following Report viz.

"That it is our opinion that the General Assembly grant or order to be granted four, five or six townships of land if it can be found without danger of lapping on the former grants.

*Secondly* that his Excellency the Governor be requested to draw on the trustee of the loan office (if he find that the avails of the grants before mentioned be not sufficient to procure provisions and the other money that may be necessary to defray the public charges of this State that may accrue) for Loan office certificates to such amount as he shall find necessary for the supplying the Commissary of purchases—The form of which certificates shall be as follows viz.

N<sup>o</sup>..... Certificate for..... dollars I do hereby certify that the State of Vermont is indebted to..... in the sum of..... dollars being for..... which sum by compact became due to said..... the..... day of..... for which sum he is to be paid as much money as shall be an equivalent in value to the above mentioned sum by the..... day of..... with the interest at six per cent p<sup>r</sup> annum.

*Thirdly* If the provisions cannot be had for money or loan office certificates as aforesaid Then his Excellency the Governor is hereby directed to order the Commissary to take the provisions where they can be found in the hands of any person over and above the wants of his family allowing to such person what the Selectmen of the town shall judge to be sufficient for the support of such family until the tenth day of September next, paying such person the current price in money or certificates at his election.

p<sup>r</sup> Order of Committee  
M LYON Chair<sup>m</sup>,

The aforesaid Report being read *Resolved* that said Report be accepted—

Adjourned until two o'clock afternoon.

Assembly met according to adjournment.

*Resolved* that SAMUEL ROBINSON<sup>1</sup> Esq<sup>r</sup> be and is hereby appointed

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1. Capt. Samuel Robinson of Bennington had been active in public affairs. He was the son of Samuel Robinson, the founder of Bennington, and had held the responsible office of Overseer of Tories. See Governor and Council, Vol. 1, p. 70.

Speaker of this Assembly the remaining part of the year in the room of Thomas Chandler Esq<sup>r</sup> who has been elected and taken the oaths and seat in the Council.

*Resolved* that this Assembly will reconsider the petition of Lieut. Col<sup>o</sup> James Claghorn which was dismissed in the forenoon.—

*Resolved* that a Committee of three be appointed to prepare the form of a Bill for the hearing and trying Col<sup>o</sup> Claghorn according to his petition, Members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Nathan] Clark and M<sup>r</sup> [John] Strong—

*Resolved* that a Committee of three be appointed to look into the several petitions for unappropriated lands in the State that are on file in the Secretary's office, and make Report to this House what petition can with justice be granted this present Session—The Committee chosen M<sup>r</sup> [William] Williams, M<sup>r</sup> [Ithamer] Hibbert [Hibbard] and Gen<sup>l</sup> [Ethan] Allen.

*Resolved* that a Committee of three be appointed to prepare a Bill to libel confiscated Estates—Committee chosen M<sup>r</sup> [Stephen R.] Bradley, M<sup>r</sup> [William] Ward and Mr<sup>r</sup> [Nathaniel] Chipman<sup>1</sup>.

A petition signed Thomas Lee Captain—was read and Ordered to ly on the table.—

A petition signed Giles Wolcott Captain was read and ordered to ly on the table.

*Resolved* that the ammunition purchased by the order of this State be disposed of by the Governor and Council as they shall judge necessary for the benefit of this State.

*Resolved* that a Committee of three be appointed to prepare a bill and make report what [shall] be done with disaffected persons—and the money that are due to this State from such disaffected persons. The Members chosen M<sup>r</sup> Amos Robinson M<sup>r</sup> [Elias] Weld and M<sup>r</sup> [Ebenezer] Curtiss.

Reuben Jones Esq<sup>r</sup> requested leave of absence until monday next— Granted.—

The Committee appointed to prepare a Bill for the hearing Lieut. Col<sup>o</sup> [James] Claghorn brought in the following report viz "That it is our opinion that a Committee of three be appointed by this Assembly, to hear the allegations and evidences against Lieut. Col<sup>o</sup> James Claghorn and his defence at Rutland; and Represent their opinion and the facts, together with the evidence on which it is founded to the next Assembly; and said Committee are directed to give Col<sup>o</sup> Claghorn notice ten days before their sitting—And that the States Attorney take the pains to collect the evidence and prosecute the matter.—

M. LYON Chair<sup>m</sup>

The above Report being read *Resolved* that said Report be accepted

1. Nathaniel Chipman was not a member of the General Assembly of 1780, nor was any other man named Chipman a member.

*Resolved* that this Assembly will choose the Committee to hear Col<sup>o</sup> Claghorn according to the above Report tomorrow morning.  
Assembly adjourned until tomorrow morning eight o'clock.

SATURDAY March 11<sup>th</sup> 1780

Assembly met according to adjournment.

*Resolved* that in the Report of the Committee appointed to form a Bill for the hearing of Col<sup>o</sup> Claghorn the following words be erased viz "the States attorney," and insert "Capt. Isaac Clark" who is hereby appointed and requested to take pains to collect the evidence and prosecute the matter according to said Bill—

According to a Resolution of this House passed yesterday to choose a Committee of three to hear the allegations and evidences against Col<sup>o</sup> Claghorn and his defence—was unanimously chose Col<sup>o</sup> Samuel Safford, Col<sup>o</sup> Ebenezer Walbridge and Samuel Robinson Esq<sup>r</sup> and they are hereby authorized and impowered to hear the said dispute according to a Resolve of this House passed yesterday.

A petition signed John Moore, Jonathan Perham and Solomon Harvey agents of the town of Athens<sup>1</sup>: praying that said township might be granted and incorporated under such Restrictions &c. was read, and Referred to a Committee of three to look into the matter of said petition and Report to this House, the Members chosen Mr [Joshua] Webb, Mr [Nathan] Clark and Mr [Edward] Harris.

The Committee appointed to take into consideration the grain that is or may be purchased by Commissaries &c brought in a Bill which being read Ordered that said Bill ly on the table until monday next for consideration.

A petition signed Elisha Ashley was read requesting that the Administrator of Isaac Ashley late of Poultney deceased might be authorized and impowered to execute a deed of a tract of land that he bargained for, with the said Isaac Ashley before his decease—Therefore,

*Resolved* that Thomas Ashley administrator to the estate of Isaac Ashley late of Poultney deceased be and he is hereby authorized and impowered to sign, seal and deliver unto Elisha Ashley his heirs, executors, or assigns a deed of certain eighty acres of land which did belong to the said Isaac Ashley at the time of his decease lying in said Poultney, joining east of lot N° 51 in the second division, and joining southside of Lot N° 67 in the second division &c which deed when thus executed shall be received in any court of Record as sufficient evidence to support the title of said land in favour of said Elisha Ashley.

*Resolved* that a Committee of three be appointed to make alterations and amendments that may be judged necessary in the Militia Act. The members chosen Mr [Matthew] Lyon Mr [Gideon] Ormesby and Mr [John] Strong.

1. The name is spelled Athans in the charter. The New York grant of Warrenton included a portion of the town. See Vermont State Papers, Vol. 2, pp. 8-9, 252-253.

*Resolved* that John Fassett Esq<sup>r</sup> M<sup>r</sup> [Matthew] Lyon and M<sup>r</sup> Samuel Robinson (who were appointed last Session to prepare a Bill for a martial Law and to Report to this House this Session) be and they are reappointed to prepare said Bill and lay the same before this House at their next Session—

A petition signed Benjamin Colt was read whereupon *Resolved* that said petition be Referred to the next Session—

*Resolved* that the Resolution passed Oct<sup>r</sup> 20<sup>th</sup> 1779 Resolving “that this Assembly will not take into consideration any petitions for lands until a plan thereof be laid before this House by the Surveyor General, or such plan or plans as have been previous to their being laid before the General Assembly been properly approved by the Surveyor General and duly certifyed” be and is hereby repealed—

The Committee to whom was referred the petition of John Moore Jonathan Perham and Solomon Harvey and their associates, brought in the following Report viz.

“That in our opinion it would be highly for the interest of this State that the tract of land situate and bounded as returned in the plan annexed to the petition be chartered by this Assembly to the sixty seven persons whose names are annexed to the petition forthwith upon the following conditions viz. *First* that if any of the proprietors neglect to pay for their right their names to be erased and others put in their room—

*Secondly* That it shall be a condition in the Charter that each one of the proprietors shall begin a settlement on or before the first day of March 1781 on his right and continue to compleat the same—

*Thirdly* That one right be reserved to be appropriated for the use of a school and one right for the first Gospel minister that shall be settled in said town; and that said petitioners be allowed corporation priviledges equal to any town in this State; and that said proprietors pay for said tract of land eighteen thousand pounds at or before the delivery of the Charter, which charter shall be made out by the Governor and Council as soon as may be.

JOSHUA WEBB Chairman”—

The above Report being read *Resolved* that the said Report be accepted and Referred to the Governor and Council to be fully executed—

Assembly adjourned until 2 o'clock afternoon.—

Assembly met according to adjournment.

*Resolved* that a Committee of three be appointed to prepare a Bill to enable the inhabitants of the respective towns in this State to tax themselves for certain occasions—The members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Ithamer] Hibbard and M<sup>r</sup> [William] Fitch.

It being represented to this Assembly that a quantity of land in the township of Thomlison [Grafton] is fraudulently sold by John Chandler of Chester, which land formerly belonged to William Apthorp late of Boston now joined the Enemies of the United States, and whose Estate

lying in this State is confiscated to the use of this State Whereupon,

*Resolved* that Capt. Lemuel Serjeants, Joshua Webb Esq<sup>r</sup> and Stephen R. Bradley Esq<sup>r</sup> be and they are hereby appointed a Committee to enquire into the matter of the Representation, and make report to this Assembly at their next Session; The said Committee or either of them are hereby impowered to call upon and swear any evidence concerning the matter—

Assembly adjourned until monday next at ten oclock in the morning.—

MONDAY March 13<sup>th</sup> 1780

Assembly met according to adjournment.

*Resolved* that a Committee of three be appointed to enquire into the several names annexed to the several petitions for lands that have been granted this present Session and report to this house such as are enimical to the State. The members chosen, M<sup>r</sup> [Nathan] Clark, M<sup>r</sup> [Joshua] Webb and M<sup>r</sup> [John] Strong.

Reuben Jones Esq<sup>r</sup> entered a verbal complaint to this House concerning the granting the township of Athens, Therefore,

*Resolved* that a Committee of three be appointed to enquire into the complaint of M<sup>r</sup> Jones and Report to this House—The members chosen M<sup>r</sup> [Jonathan] Underwood, M<sup>r</sup> [Edward] Harris and M<sup>r</sup> [Ebenezer] Curtiss—

The Committee appointed to examine the several petitions for lands now on file in the Secretary's office brought in the following report viz.

"That (in our opinion) we have agreeable to our appointment examined the said petitions severally, and find that there is a large tract of vacant and unappropriated land lying and being in the north part of this State adjoining to the south line of the Province of Quebec and west of Lake Mumphremagog [Memphremagog] and the Green mountains and bounding west on lands heretofore granted by the government of New Hampshire contiguous to lake Champlain: That your Committee are of opinion that a part of the said tract sufficient to make six townships of the contents of six miles square each, may consistent with the interest of this State, be granted by your honors to the following Gentlemen petitioners and Company for the several townships hereafter particularly named viz.

To Major William Goodrich, Barzilla Hudson, Charles Dibble and Company a township of six miles square as laid down in the plan herewith returned by the name of BERKSHIRE—<sup>1</sup>

To Col<sup>o</sup> Roger Enos<sup>2</sup> and Company one like township as returned in said plan by the name of ENOSBURGH<sup>3</sup>—

1. See Vermont State Papers, Vol. 2, pp. 21-22, 267.

2. For biographical sketch of Roger Enos, see Governor and Council, Vol. 2, p. 108.

3. See Vermont State Papers, Vol. 2, pp. 69-71, 290.

To Col<sup>o</sup> Howel Woodbridge and Jonathan Wells Esq<sup>r</sup> and Company one like township as returned in said plan by the name of RICHFORD<sup>1</sup>.

To Doct<sup>r</sup> Ezra Stiles<sup>2</sup>, Doct<sup>r</sup> Benjamin Gale<sup>3</sup> and Company one like township as returned in said plan by the name of MONTGOMERY<sup>4</sup>—

To the Officers of the Connecticut line being sixty in number, agreeable to their petition, one like township as returned in said plan by the name of WYLLIS<sup>5</sup>— And

To Daniel Owen Esq<sup>r</sup> and Company one like township as returned in said plan by the name of WESTFIELD<sup>6</sup>—

By order of Committee  
ETHAN ALLEN Chair<sup>m</sup>,”

### The Plan——

The aforesaid Report being read, and thereupon,

*Resolved* that there be and hereby is granted to Maj<sup>r</sup> William Goodrich, Mr Barzilia Hudson and Mr Charles Dibble and Company being sixty in number a township of land by the name of BERKSHIRE; situate and lying in this State containing six miles square Bounded north, on the north line of this State six miles West on lands heretofore granted by the Governor of New Hampshire six miles South on Enosburgh six miles and East on Richford six miles:—

*Resolved* that there be and hereby is granted unto Col<sup>o</sup> Roger Enos and Company being sixty in number a township by the name of ENOSBURGH, situate and lying in this State, containing six miles square, bounded north on the township of Berkshire six miles west on lands heretofore granted by New Hampshire six miles, South on vacant lands six miles and east on the township of Montgomery six miles:

*Resolved* that there be and hereby is granted unto (Col<sup>o</sup> Howell Woodbridge) Jonathan Wells Esq<sup>r</sup> and Company, being sixty in number a township of land by the name of RICHFORD situate and lying in this

1. See Vermont State Papers, Vol. 2, pp. 166-167, 339.

2. Rev. Ezra Stiles, D. D. was president of Yale College from 1778 until 1795.

3. Dr. Benjamin Gale was a physician, a scientific farmer and a writer on agricultural, medical and political subjects.

4. The township of Montgomery was granted March 15, 1780, to Stephen R. Bradley and fifty-nine others, including thirteen clergymen, one of them being Rev. Jonathan Edwards. See Vermont State Papers, Vol. 2, pp. 138-139, 324.

5. Col. Samuel Wyllis and Maj. John P. Wyllis were Connecticut Revolutionary officers and the name probably was suggested in their honor. No charter was issued for the town of Wyllis, probably because the charter fees were not paid. Later the town is referred to as Carthage, apparently without legal sanction. In process of time it became the town of Jay. North Jay was granted to Hon. John Jay and John Cozine, both of New York. John Jay had been active in settling the dispute between Vermont and New York. South Jay was granted to Thomas Chittenden in 1792. The salary of Governor Chittenden for 1781 and 1782 was ordered to be paid “one-half in forfeited rights of land in the town of Carthage at nine pounds per right.”—Vermont State Papers, Vol. 2, pp. 108-111, 309.

6. This township was granted to Daniel Owen and Company. See Vermont State Papers, Vol. 2, pp. 211-212, 365.

State, containing six miles square, bounded north on the north line of this State six miles, West on Berkshire six miles, South on Montgomery six miles and east on Wyllis six miles:—

*Resolved* that there be and hereby is granted unto Doct<sup>r</sup> Ezra Stiles, Doct<sup>r</sup> Benjamin Gale and Company being sixty in number, a township by the name of MONTGOMERY situate and lying in this State, containing six miles square, bounded north on the township of Richford six miles; West on the township of Enosburgh six miles, south on vacant lands six miles, and east on the township of Westfield six miles:

*Resolved* that there be and hereby is granted unto the Connecticut line (Grovesnor and Company) being sixty in number, a township of land by the name of WYLLIS, containing six miles square, situate and lying in this State bounded north on the north line of this State six miles, west on Richford six miles, south on Westfield six miles and east on vacant lands six miles:

*Resolved* that there be and hereby is granted unto Daniel Owen Esq<sup>r</sup> and Company being sixty in number a township of land by the name of WESTFIELD situate and lying in this State, containing six miles square, bounded north on the township of Wyllis six miles, west on Montgomery six miles, south on vacant lands six miles and east on vacant lands six miles:—

*Resolved* that the Governor and Council be and they are hereby requested to grant out charters of incorporation to the aforesaid six townships viz. Berkshire, Enosburgh, Richford, Montgomery, Wyllis and Westfield under such conditions, limitations, restrictions and reservations as they shall judge proper.

A petition from the inhabitants of Kent, [Londonderry] was read and Referred until tomorrow morning for further consideration—

*Resolved* that this Assembly will join the Governor and Council in a Committee of the whole to take into consideration the exercising the civil laws, and extending their jurisdiction throughout this State at two o'clock in the afternoon—

Assembly adjourned until two o'clock afternoon.

Assembly met according to adjournment.

Col<sup>o</sup> John Barrett appeared, (his credentials were delivered in the last Session) and took the necessary oaths to qualify him for a seat in this House—

According to a Resolve passed in the forenoon, this Assembly Resolved themselves into a Committee of the whole with the Governor and Council.

The Committee of the whole having adjourned until tomorrow morning nine o'clock—The House proceeded to business—

*Resolved* that a Committee of three be appointed, to prepare a Bill to empower Commissioners to sell confiscated estates and describing their power, and report to this House—The Committee chosen M<sup>r</sup> [Stephen R.] Bradley, M<sup>r</sup> [William] Ward and M<sup>r</sup> [N] Chipman.

The petitions of Capt. Lee and Capt. Woolcot which was refered to this day was read and refered to a Committee of three to make report to this House—Members chosen M<sup>r</sup> [Ebenezer] Drury, M<sup>r</sup> [John] Strong and M<sup>r</sup> [John] Barrett—

The Resolve appointing a Committee to “examine into the several names that are annexed to the petitions for lands that have been granted this Session” be and is hereby reconsidered and the said Committee is dismissed—

Assembly adjourned until tomorrow morning eight o'clock—

TUESDAY March 14<sup>th</sup> 1780—

An Act empowering the inhabitants of the Respective towns within this State to tax themselves for certain occasions, was read, passed the House and sent up for concurrence—

A petition of Gershom Beach, Col<sup>o</sup> John Strong, Thomas Rowley and Company was read and Refered to a Committee of three to join a Committee from the Council and make report to this House—The members chosen M<sup>r</sup> [William] Williams, M<sup>r</sup> [David] Galusha and M<sup>r</sup> [Asa] Whitcomb.

A petition of Gershom Beach Col<sup>o</sup> John Barrett, Thomas Rowley and Company was read and Refered to the aforesaid Committee.

A petition signed Silas Hamilton<sup>i</sup> was read and refered to a Committee of two to join a Committee from the Council and make report to this House—The members chosen M<sup>r</sup> [John] Barrett and M<sup>r</sup> M. Robinson—

WHEREAS this State are at present destitute of a Martial law for the government and Regulation of the troops when in actual service—And WHEREAS it is necessary that some law be provided for their present Regulation;

THEREFORE *Resolved* that the Martial Law of the United States be and it is hereby established in this State for the time being, and the troops raised by the authority of the same, are to govern themselves accordingly—

*Resolved* that for the present year any one Judge of the Superior Court and one Justice of the Peace: or one Counsellor and Justice of the Peace be and they are hereby empowered to grant license to the tavern-keepers in this State that are nominated and Recommended by the authority of the several towns as the law directs—

The petition from the inhabitants of Kent [Londonderry] which was refered from the 13<sup>th</sup> inst. was read and refered to a Committee of two to join a Committee from the Council and make report to this House The members chosen M<sup>r</sup> [Reuben] Jones and M<sup>r</sup> [Ebenezer] Curtiss—

A petition of Daniel Spooner, Steel Smith and Company was read and refered to a Committee of two to join a Committee from the Council

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i. See p. 114. This is a petition for three thousand acres of land in Whitingham.

and Report to this House, The members chosen Mr [Joshua] Webb and Mr [William] Fitch.

A petition of Capt. Ebenezer Hodges Amos Robinson Esqr and Company, and one of John Throop Esqr and Daniel Gilbert and Company were read and Refered to the aforesaid Committee and to make report to this House.

A petition of Capt Comfort Severs [Seaver] and Company was read and after some debate Ordered that a Committee of two be appointed to confer with the Governor and Council concerning the granting of Royalton—The members chosen Mr [Edward] Harris and Mr [Elias] Weld who soon made a verbal Report—

According to adjournment of the Committee of the whole, the Assembly resolved themselves (with the Governor and Council) into a Committee of the whole:—

The Committee of the whole not being ready to make report, adjourned until tomorrow morning eight oclock—and the House proceeded to business—

Ira Allen Esquire made a verbal Report of his mission to the southern States<sup>1</sup>—

Assembly adjourned until two o'clock afternoon—

Assembly met according to adjournment—

A petition signed Anne Willard which was refered from last Session was read: *Ordered* that it be refered to the next Session of Assembly.

*Resolved* that the petition of Capt. Comfort Severs [Seaver] and Company ly on the table for further consideration—

*Resolved* that the Treasurer of this State be and he is hereby directed to pay unto Nehemiah Hopkins and Samuel Benton a Committee of the town of Pittsford four hundred and twenty pounds ten shillings for service done by the inhabitants in building a Picket Fort in said Pittsford<sup>2</sup>.

1. On Oct. 21, 1779, Ira Allen had been chosen by the General Assembly as its agent to visit the Legislatures of New Jersey, Pennsylvania, Delaware and Maryland. He distributed the pamphlet written by his brother Ethan, entitled "A Vindication of the Opposition of the Inhabitants of Vermont to the Government of New York, and of Their Right to Form an Independent State." (See Governor and Council, Vol. 1, pp. 444-517). He explained the Vermont situation, and these legislators found that they had much in common with Vermonters. In the States which Ira Allen visited he found a strong sentiment against the sale of Western lands for the benefit of individual States, but rather that they ought to be used for defraying the expense of the war. The Vermont agent agreed with this policy and the belief that Vermont votes in Congress would be cast with those of other small States inclined the leaders in these States to favor Vermont's admission to the Union.—Governor and Council, Vol. 2, pp. 235-237.

2. Fort Mott had been built in Pittsford in 1777 on the east bank of Otter Creek. The picket fort was built on the upland about one mile northeast of the first fort. Soon after the completion of the second fort one of the garrison was killed by an Indian. It is related that Ebenezer Allen, the commandant, vowed vengeance against every Indian that should come within his power, and dashing a bottle of liquor against the gate he christened the fortress Fort Vengeance.—Vermont, the Land of Green Mountains, p. 148; records of Board of War, Governor and Council, Vol. 2, p. 35.

*Resolved* that a Committee of three to join a Committee from the Council be appointed to prepare a Bill for regulating Fees, fines and penalties and make report to this House. The members chosen M<sup>r</sup> [Nathan] Clark, M<sup>r</sup> [Matthew] Lyon and M<sup>r</sup> [Ebenezer] Curtiss—

*Resolved* that a Committee of three be appointed to make up an account of all such articles, provisions moneys &c that this State has supplied the Continent with during the present war—The Members chosen M<sup>r</sup> [John] Strong, M<sup>r</sup> [Elias] Weld and M<sup>r</sup> [Matthew] Lyon.

The Committee appointed to take into consideration the petitions of Gershom Beach Col<sup>o</sup> John Strong, Thomas Rowley Esq<sup>r</sup> And Company and Gershom Beach Col<sup>o</sup> John Barret and Comp<sup>y</sup> brought in the following report viz. That in our opinion two townships of land as described in said petitions be granted to the several persons whose names are annexed to the aforesaid petitions with an addition of five public rights to each township—and that the Governor and Council be directed to make out a charter according to custom upon such conditions, considerations, reservations and restrictions as they shall think proper—and that the draughts for lots prior to the grants be considered as null and void.

p<sup>r</sup> Order of Committee  
THOS CHANDLER Chair<sup>m</sup>"

The aforesaid Report being read *Resolved* that said Report be accepted—And

That there be and hereby is granted unto Gershom Beach, Col<sup>o</sup> John Strong Thomas Rowley and Company being sixty two in number a township of land by the name of PHILADELPHIA<sup>1</sup> situate and lying in this State bounded as follows viz. begining at the southeast corner of the township of Neshobe [Brandon] from thence running east seventeen degrees south six miles, from thence north seventeen degrees east six miles; from thence west seventeen degrees north six miles to the north east corner of said Neshobe from thence south seventeen degrees west six miles to the first mentioned bounds, containing twenty three thousand and forty acres—And

That there be and hereby is granted unto Gershom Beach, Col<sup>o</sup> John Barrett, Thomas Rowley and Company being sixty five in number a township of land by the name of CHITTENDEN<sup>2</sup> situate and lying in this State—bounded as follows viz. begining at a beech tree mark'd standing in Rutland east line from thence running north five degrees east eighty rods to Pittsford southeast corner, from thence north twenty degrees west six miles on Pittsford east line to a beech tree, from thence

1. The township, of Philadelphia was granted to Lieut. Samuel Beach and sixty-four associates, two of whom were Gershom Beach and John Strong. The north portion of the town was annexed to Goshen in 1814 and the south portion became a part of Chittenden in 1866.—Vermont State Papers, Vol. 2, pp. 157-159, 334.

2. This township, named in honor of Governor Thomas Chittenden, was granted to Gershom Beach and sixty-five others.—Vermont State Papers, Vol. 2, pp. 157-159, 281.

east twenty degrees north six miles to a beech tree thence south twenty degrees east six miles and eighty rods to a stake and stones from thence to the first mentioned bounds containing twenty three thousand and forty acres:—

*Resolved* that the Governor and Council be and they are hereby directed to make out Charters of incorporation unto the said petitioners of the aforesaid townships viz. Philadelphia and Chittenden under such considerations, reservations and restrictions as they shall judge proper for the benefit of this State—

*Resolved* that Jabez Umstead [Olmstead] be and is hereby appointed a proprietor in the township of Chittenden and is included in the sixty five whose names are annexed to the petition—

Assembly adjourned until tomorrow morning eight o'clock—

WEDNESDAY March 15<sup>th</sup> 1780.

Assembly met according to adjournment—

*Resolved* to reconsider the act that passed the House entitled "An Act for the purpose of empowering the inhabitants of the respective towns in this State to tax themselves on certain occasions"—which Act was sent up for concurrence and sent back with an amendment; *Ordered* that said Act with the amendment ly on the table for further consideration—

*Resolved* that this Assembly will not grant any lands this Session except Royalton and Kent [Londonderry].

"*In Council Westminster 14<sup>th</sup> March 1780*

*Resolved* that a Committee of two be appointed to join a Committee from the House to enquire what sum or sums of money will be necessary to defray the public charges of the State the present year—The members chosen Ira Allen Esq<sup>r</sup> and B. Emmons Esq<sup>r</sup>

Jos. FAY SEC<sup>y</sup>"

*Resolved* that Mr [Ithamer] Hibbard, Mr [Matthew] Lyon and Mr [Nathan] Clark be a Committee to join the above Committee for the purposes aforesaid.

The Committee appointed to settle with the treasurer have not been able to make report, the said Committee is therefore disolved:

*Resolved* that a Committee of two to join a Committee from the Council be appointed to settle with the treasurer of this State—The members chosen Mr [Matthew] Lyon & Mr [Gideon] Ormsby.

*Resolved* that a Committee of two to join a Committee from the Council be appointed to prepare a bill to fine such of the Counsellors and Representatives as shall neglect to attend at the time of adjournment—The members chosen Mr [William] Ward and Mr [William] Williams—

*Resolved* that a Committee of three be appointed to make up a

debenture—The members chosen Mr [Abraham] Ives, Mr A. Robinson and Mr [Daniel] Cumstalk [Comstock].

*Resolved* that his Excellency the Governor be and is hereby requested to appoint a day in the month of April next for a public fast throughout this State and issue his Proclamation for that purpose.

Assembly adjourned until two o'clock afternoon.

Assembly met according to adjournment.

*Whereas* the method provided by the General Assembly of this State at their Session in October last providing for the choice of field and staff officers proves disadvantageous to the community at large: Therefore

*Resolved* that in future where any regiment or regiments within this State are destitute of any field or staff officers that the Captain General issue his orders to the Colonel or highest officer commanding such regiment appointing a time and place for their meeting that orders be given to the captains or officers commanding company's to meet at such time and place appointed and there make choice by ballot of such officer or officers as may be deficient and make returns that commissions may be given accordingly.

The Committee appointed to take into consideration the petitions of Daniel Spooner, Steel Smith and Company; of Capt. Ebenezer Hodges Amos Robinson and Company, and of John Throop Esq<sup>r</sup> Daniel Gilbert and Company brought in the following Report viz. "That it appears to your Committee that there is petitions on file in the Secretary's office for the same lands that are petitioned for in the above petitions some of an equal and some of a prior date; Therefore your Committee are of the opinion that it is most for the interest of this State to refer the determination of said petitions until the next Session of Assembly—

by Order of Committee

MOSES ROBINSON Chair<sup>m</sup>

The above Report being read and debated: *Resolved* that said Report be accepted.

The Committee appointed to take into consideration the petition of Capt. Silas Hamilton and Company brought in the following Report viz.

"That it is our opinion that the three thousand acres of land lying in the township of Whitingham as referred to in said petition be granted unto Silas Hamilton and the settlers whose names are in said petition, they paying a meat consideration, and that his Excellency and Council be directed to make out a charter for the same with such reservations and restrictions as they shall judge necessary.

JOHN THROOP Chair<sup>m</sup>

The above Report being read *Resolved* that said Report be accepted and that the same be referred to the Governor & Council to be fully executed to said Silas Hamilton and Company upon such conditions and reservations as they shall judge proper.

*In General Assembly, Westminster 15 March 1780*

*Resolved* to choose a Committee of three persons agreeable to the Recommendation of the Committee of the whole, Enquire as soon as may be into the Cause and officially take the Reasons why certain of the inhabitants of the County of Cumberland are opposed to the Authority of this State, and wherein their grievances consist and Report the same to the Governor and Council. Persons chosen, Stephen R. Bradley Hon<sup>ble</sup> Moses Robinson & Jonas Fay Esquires.

To be entered on the Journals of Assembly.

Jos. FAY Sec<sup>y</sup>

The Committee appointed to take into consideration the petitions of Capt. Thomas Lee and Capt. Giles Woolcott [Wolcott] brought in the following report viz. "That it is our opinion that Capt. Thomas Lee and his Company be made good according to their engagements for the time they were in service—and as it is uncertain to us how long each man served (it is our opinion) that a Committee be appointed to examine into the time of their being in the service and make report to the next session of Assembly—and that Capt. Giles Woolcott and his men be made good according to a Resolve of this House passed last October relative to Col<sup>o</sup> Warner's regiment.

JOHN STRONG Chair<sup>m</sup>"

The above Report being read *Resolved* that said Report be accepted, and the Treasurer be and he is hereby directed to pay unto Capt. Giles Woolcott and Company the several sums that they are intitled to by the Resolve cited to in said Report; and that a Committee of three be appointed to examine particularly into the time when the Company of Capt. Lee engaged in the service and the time when they left the same and report to the next Session—The Committee chosen Joseph Bowker Esq<sup>r</sup> M<sup>r</sup> [Ebenezer] Drury and Col<sup>o</sup> [John] Strong;

*Resolved* that a Committee of three be appointed to make particular enquiry into the petitions of Daniel Spooner, Steel Smith and Company; of Capt. Ebenezer Hodges Amos Robinson Esq<sup>r</sup> and Company, and of John Throop Esq<sup>r</sup> and Daniel Gilbert and Company, and the other petitions for the same lands which are on file in the Secretary's office, and to examine whether there be any of the persons which are petitioners for said lands who are enimical to this State, and upon looking into all the attending circumstances they are to report their opinion to the next session of Assembly to which of said petitioners said lands ought to be granted—The Committee chosen M<sup>r</sup> [William] Williams, M<sup>r</sup> [Edward] Harris and M<sup>r</sup> [Elias] Weld.

The petition of Capt. Comfort Severs [Seaver] and Company which was ordered to ly on the table was taken into consideration and after some debate was refered to a Committee of two to join a Committee from the Council and report thereon to this house—The Committee chosen M<sup>r</sup> [Edward] Aikin and M<sup>r</sup> [William] Fitch.

The Committee appointed to enquire into the complaint of Doct<sup>r</sup>

Reuben Jones against the grantees of Athens brought in the following report viz. "That we have maturely examined the matter of said complaint, and find no evidence whereby Doct<sup>r</sup> Jones can support his cause, but that the grantees be confirmed in the premises.

SAM<sup>1</sup> UNDERWOOD Chair<sup>m</sup>"

The above Report being read and no debate arising *Resolved* that said Report be accepted.

A petition signed Roswell Hopkins (with an account) praying that this House would set a price upon the articles charged in said account and order that the same be paid, was read and refered to a Committee of two—The members chosen M<sup>r</sup> [Edward] Harris and M<sup>r</sup> [William] Williams.

*Whereas* it is found prejudicial to the defendant to make but one plea in an action before any court—Therefore

*Resolved* that the defendant be allowed to make two pleas in one action.

The Committee appointed last Session to procure a printer to settle within this State brought in their Report viz. that they have not obtained one, Thereupon *Resolved* that said Committee be disolved.

Assembly adjourned until tomorrow morning eight o'clock.

THURSDAY March 16<sup>th</sup> 1780

Assembly met according to adjournment.—

A petition signed Daniel Gilbert and Elias Stephens was read;

*Ordered* that it be refered to the Governor and Council for their adjustment and payment.

The Committee to whom was refered the consideration of Fees, fines and penalties brought in their Report which being read, *Resolved* that all fees, fines and penalties be six doubled<sup>1</sup> as they stand printed in the laws of this State except the Judges of the Superior Court who shall have forty dollars p<sup>r</sup> day each, and sixteen shillings per mile for their travil Out—and that the Counsellors be allowed forty dollars p<sup>r</sup> day when sitting and sixteen shillings p<sup>r</sup> mile for travil out—and that the Representatives have thirty six dollars p<sup>r</sup> day during this present Session and sixteen shillings p<sup>r</sup> mile for their travil from home.

*Resolved* that the Governor and Council be and they are hereby requested to obtain a printer to settle within this State<sup>2</sup> for the purpose of printing the Laws &c as soon as they shall judge it necessary.

*Resolved* that the Superior Court which (by a resolve of this House passed the last Session) was to sit in Westminster the third tuesday of

1. This is another evidence of the depreciation of the currency. See note p. 88; also Slade's State Papers, p. 430.

2. See pp. 93-94.

this instant March be and is hereby adjourned until the third wednesday of June next<sup>1</sup>.

*Resolved* that the court of confiscation be and they are hereby required to order the commissioners for sale of confiscated lands to bring their business to a close so as to make a compleat settlement before the next session of Assembly.

Upon a request of Mr [Ebenezer] Drury for building a bridge over a part or branch of Otter creek in Pittsford: *Ordered* that a Committee of two to join a Committee from the Council be appointed to make particular enquiry whether it would be for the benefit of this State to build said bridge according to the request of Mr Drury and report to this House as soon as may be—The members chosen Mr [John] Barrett and Mr [John] Strong.

The following messuage was delivered by the Sheriff from the Council viz.

*"In Council Westminster 16<sup>th</sup> March 1780*

WHEREAS it appears to this Council that it will not be in the power of Joseph Bowker Esq<sup>r</sup> commissary of purchases fully to execute the business of his appointment to that important trust, They do therefore recommend to the hon<sup>b1e</sup> Assembly to appoint an Assistant Commissary of purchases.

By order of Gov<sup>r</sup> and Council  
JOSEPH FAY SECY"

1. The assumption of judicial functions by the legislative department may be traced through the early sessions of the General Assembly. The first Council of Censors, held in 1785, took notice of this legislative encroachment upon judicial functions, calling attention to the fact that such a policy was contrary to the intent of the "Frame of Government" and the Bill of Rights. (Slade's Vermont State Papers, pp. 512, 514-516, 533-542). In the address of the Council to the people, after referring to an act of the Legislature passed Oct. 22, 1779, "appointing commissioners for the better regulating titles of land within this State, and declaring their power," it is said:

"Here was an extensive grasp at the agreeable desideratum of uncontrolled dominion; trials by jury in the most important disputes concerning property, wholly thrown aside; the Legislature issuing to themselves the judicial power, so far as respected all the permanent property in the State, and casting aside all restraints of law in their decisions, they were to determine every cause, without being shackled with rules, but by their crude notions of equity; or in other words according to their sovereign will and pleasure; by which means all the landed interests in the commonwealth (which, in other nations and States has constantly been viewed as sure and permanent to the owner) would be at the absolute disposal of the legislators and the surest title to an estate in Vermont would be the favor of its Assembly." Reference is made to the acts of the Legislature vacating judgments recovered in due course of law, which is described as an assumption of the judicial power, rendering nugatory that provision of the Bill of Rights declaring that a right to a trial by jury ought to be held sacred. This address further says: "The legislative body is, in truth, by no means competent to the determination of causes between party and party, nor was, by our Constitution, or that of any other country who make pretences to freedom, ever considered so." (Slade's Vermont State Papers, pp. 536, 540).

See Section 6 of the Constitution of 1780, Slade, p. 520.

The aforesaid Recommendation of the Governor and Council being taken into consideration, *Resolved* that an Assistant Commissary of Purchases be appointed this afternoon.

The Committee appointed to take into consideration the petition and account of Roswell Hopkins brought in the following report viz.

"Your Committee appointed to state the wages of Doct<sup>r</sup> Roswell Hopkins for service done for this State beg leave to report as followeth viz. That he have eighteen dollars<sup>1</sup> p<sup>r</sup> day.

EDWARD HARRIS Chair<sup>m</sup>"

The aforesaid Report being read, and the Committee called upon to give their reasons for stating the wages so low, and after hearing their reasons unanimously *Resolved* that said Report be not accepted and that the account be Referred to the Governor and Council for their adjustment and settlement.

*Resolved* that Doct<sup>r</sup> Roswell Hopkins Clerk of this Assembly be allowed forty six dollars per day for his services during this Session.

*Resolved* that an Act entitled "An Act to Libel Confiscated estates," and an Act entitled "An Act appointing and empowering commissioners to sell and dispose of forfeited estates and the better regulating the same" be and they are hereby laid over to the next Session of Assembly before they are to be put into force.

An Act Entitled "An Act to prevent unlawful settlement on unappropriated lands" passed.

An Act entitled "An Act regulating the trial of persons who on being arraigned for treason, felony and crimes against the State stand mute or refuse to plead" passed.

An Act repealing a certain paragraph or clause of an Act entitled "An Act making the laws of this State temporary," passed.

A petition signed Asaph White was read: *Ordered* that it be referred to a Committee of two to join a Committee from the Council, and to Report to this House: The members chosen M<sup>r</sup> [William] Williams and M<sup>r</sup> [Jonathan] Underwood.

On motion made, after long debate: *Resolved* that the following amendment be made to the Act entitled "An Act for the purpose of impairing the inhabitants of the respective towns in this State to tax themselves for certain occasions" viz.

*"Always provided that no person be compelled by the major vote of said town to build, or repair a meeting house, or support a worship, or minister of the gospel contrary to the dictates of his conscience; Provided said person or persons shall support some sort of religious worship<sup>2</sup> as to*

1. See Slade's Vermont State Papers, p. 430, for table of value of Continental currency in Spanish milled dollars at various periods, Sept. 1, 1779 to Sept. 1, 1780.

2. See Article 3 of the Bill of Rights guaranteeing freedom of religious worship, Slade's Vermont State Papers, p. 244.

*them may seem most agreeable to the word of God, anything in this Act to the contrary notwithstanding."*

The yeas and nays being required by Mr [Matthew] Lyon whether the last clause of the amendment stand viz "Provided said person or persons shall support some sort of Religious worship as to them may seem most agreeable to the word of God" They stand as follows viz—

Yeas	Nays
Mr Speaker	Mr N. Clark
Mr Strong	Mr Lyon
Mr Bruster [Brewster]	Mr Galusha
Mr E. Clark	Mr Cumstall [Comstock]
Mr Ives	Mr Ormsby
Mr Roberts	Mr M. Robinson
Mr Drury	Mr Hibbard
Mr Foot	Mr Ward
Mr Hamilton	Mr Noyce [Noyes]
Mr Underwood	Mr Harris
Mr Williams	Mr Hale
Mr Barrett	Mr N. Robinson
Mr Merrick [Myrick]	Mr Russel
Mr Knight	Mr Weld
Mr Webb	
Mr Jones	
Mr Upham	
Mr Curtiss	
Mr Howland	
Mr Whitcomb	
Mr Gilbert	
Mr Stephens	
Mr French	

So it was *Resolved* in the Affirmative.

Assembly adjourned until two o'clock in the afternoon.

Assembly met according to adjournment.

According to a Resolve passed in the fore part of this day to appoint an Assistant Commissary of purchases; The Assembly proceeded to choose said Assistant Commissary of purchases and the ballots being taken;

Major BENJAMIN WAIT was Elected.

The Committee appointed to take into consideration the petition of Asaph White brought in the following report viz.

"That it is our opinion that said petition be referred to the consideration of the General Assembly at their next Session.

THOS CHANDLER Chair<sup>m</sup>"

The above report being read *Resolved* that said Report be accepted.

The Committee appointed to take into consideration the necessity of building a bridge in Pittsford according to the request of M<sup>r</sup> [Ebenezer] Drury brought in the following report viz.

"That in our opinion the benefit arising from building said bridge will not compensate for the certain charges.

PAUL SPOONER Chair<sup>m</sup>

The above Report being read, *Resolved* that it be accepted.—

The petition of the inhabitants of Guildhall, Lunenburgh and Maidstone was read and referred to a Committee of two to join a Committee from the Council, and report thereon. The members chosen M<sup>r</sup> [Jesse] Belknap and M<sup>r</sup> [John] Smith.

*Resolved*, that a resolution of this Assembly passed the last Session directing the Governor and Council to make out a Charter of the township of Royalton<sup>1</sup> be and is hereby repealed by the consent of the parties concerned:

The Committee appointed to take into consideration the petition of Comfort Severs [Seaver] and Company being settlers in Royalton, brought in the following report viz.

"That it is our opinion that a grant issue to the present inhabitants of the township of Royalton as specified in the petition of Capt. Comfort Severs and Company. And to the end that equal justice be done to all parties concerned as non resident petitioners for said town do earnestly recommend that said nonresident petitioners respectively have an equivalent for their respective shares in some vacant lands in this State granted them as soon as may be.

All which is humbly submitted.

IRA ALLEN for the Comm<sup>tee</sup>:

The above Report being read *Resolved* that said Report be accepted: and

*Resolved* that there be and hereby is granted unto Capt. Comfort Severs and Company being sixty one in number a township of land, as specified in their petition, by the name of ROYALTON lying and being in this State containing about twenty four thousand acres. And the Governor and Council are hereby requested to make out a charter of the aforesaid township of Royalton and ascertain the bounds unto the said Comfort Severs [Seaver] and Company upon such conditions, limitations, restrictions and reservations as they shall judge necessary for the benefit of this State:—

*Resolved* That the Governor and Council be and they are hereby requested to direct the Surveyor General to issue out an order of survey for a township of land to Eliakim Spooner, Danforth Keys [Keyes] and Company to whom was granted the township of Royalton the last Session of Assembly—as an equivalent for said grant provided that there be sixty in number of such proprietors.—

1. See p. 95.

An Act entitled "An Act to prevent the transporting<sup>1</sup> provisions out of this State" passed.

A petition of Ebenezer Fisk and Company was read and refered to a Committee of three: The members chosen Mr [Asa] Whitcomb, Mr [John] Strong and Mr [Nathan] Clark.

A petition of Bela Turner and Company was read: *Ordered* that said petition be refered to the Governor and Council for their consideration.

A petition from sundry inhabitants belonging to the County of Bennington respecting a Court house and Goal was read and Refered to a Committee of two to join a Committee from the Council: The members chosen Mr [John] Barrett and Mr [Elias] Weld.—

Col<sup>o</sup> Samuel Fletcher one of the managers of the lottery<sup>2</sup> represented to this House that he has received nineteen tickets since the drawing of the lottery, which is the property of this State, and were delivered to him before the publication of the prizes were known, and he therefore prays that the said tickets may be received by the treasurer and he be receipted for the same: Therefore *Resolved* that the Treasurer be and is hereby directed to take said tickets and Receipt Col<sup>o</sup> Fletcher for the same.

An act entitled "an Act continuing the laws in force"—passed.<sup>3</sup>

A petition signed Pompey Brackey was read, and refered to the next Session of Assembly.

A petition signed Col<sup>o</sup> William Williams, Zadock Granger and Company was read and refered to the next Session of Assembly.

The Committee to whom was refered the petition from the inhabitants of Kent [Londonderry] brought in the following report viz.

"That it is our opinion that the tract of land now known by the name of Kent be granted, to a Committee of trust, who are to be under the direction of the Governor and Council, by the name of Londonderry under such regulations and restrictions as they shall think proper.

IRA ALLEN Chair<sup>m</sup>"

The above Report was read and accepted; And *Resolved* that there be and hereby is granted by this Assembly, unto, such persons as the Governor and Council shall direct, a township of land (formerly known by the name of Kent) lying and being in this State to be incorporated by the name of LONDONDERRY<sup>4</sup>, And the Governor and Council are hereby requested to make out a charter of incorporation as specified in the petition under such conditions, reservations, and restrictions as they shall judge proper for the benefit of this State.

A petition of Captain Stephen McConner and Company was read

1. See p. 97; Slade's Vermont State Papers, pp. 396-397. This act was reenacted in October, 1780, and remained in force until the close of the February session, 1781.

2. See pp. 62-64 for reference to lotteries.

3. See Slade's Vermont State Papers, p. 397.

4. See Vermont State Papers, Vol. 2, pp. 127, 316-317.

*Ordered* that said petition be referred to the next Session of Assembly.

*Resolved* that all petitions for lands that have been read be referred to the next session of Assembly.—

An Act entitled “An Act authorizing and directing the Surveyor General to make a plan of this State” passed.

An Act entitled “An Act for the hearing of Lieutenant Colonel James Claghorn and empowering a Committee for that purpose” passed.—

*Resolved* that the reverend M<sup>r</sup> Joseph Bullen have a right of land in the township of Montgomery granted him without fee for his services done this State this present Session.<sup>1</sup>

WHEREAS it is necessary that an Assistant Commissary of purchases be appointed in the lower part of the County of Bennington to purchase provisions for the support of the troops raised for the defence of this State:—Therefore

*Resolved* that JOSEPH FAY Esq<sup>r</sup> be and he is hereby appointed an Assistant Commissary of purchases.

*Resolved* that the reverend M<sup>r</sup> Sam<sup>1</sup> Whiting of Rockingham be and he is hereby requested to preach the next Election sermon And if he should refuse, Resolved that the Revernd M<sup>r</sup> David Avery of Bennington be and he is hereby requested to preach said Election Sermon.

*Resolved* that the next general Election of this State be held at Bennington.

*Resolved* that Samuel Robinson Esq<sup>r</sup> the Speaker of this House be and he is hereby directed to return the thanks of this House to the hon<sup>ble</sup> Jonas Fay, Moses Robinson, & Ira Allen esquires to Brig<sup>d</sup> Gen<sup>l</sup> Ethan Allen and Stephen R. Bradley Esq<sup>r</sup> for the several services done this State at Congress and else where on the business of their several appointments by this House.

The Committee appointed to take into consideration the petition of sundry persons belonging to Bennington County brought in the following Report viz.—“That as the hon<sup>ble</sup> General Assembly at their Session last October Resolved that the court should be held at Bennington part of the time and a court house and goal built there, it is our opinion that it remain for the present agreeable to said Resolve.

BENJAMIN CARPENTER Chair<sup>m</sup>”

The above Report being read *Resolved* that said Report be accepted. Assembly adjourned without day.

1. Rev. Joseph Bullin was a Westminster clergyman. See Governor and Council, Vol. 1, p. 48.

JOURNALS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THEIR SESSION HELD AT BENNINGTON IN OCTOBER, 1780



STATE OF VERMONT  
BENNINGTON 12<sup>th</sup> Oct<sup>r</sup> A. D. 1780

The Representatives of the Freemen of the State of Vermont met at Bennington in said State the second Thursday of October according to Constitution and proceeded to choose by ballot a Clerk of the Assembly for the ensuing year when

Doct<sup>r</sup> ROSWELL HOPKINS was unanimously chosen and took the necessary oaths to qualify him for that Office before Thos<sup>s</sup> Chandler Jun<sup>r</sup> Assist<sup>t</sup>.

The Hon<sup>ble</sup> THOMAS CHANDLER Esq<sup>r</sup> was chosen by Ballot Speaker of the Assembly and took the necessary oaths to qualify him for that office before Sam<sup>t</sup> Robinson Jus<sup>t</sup> Peace.

Adjourned until one oClock afternoon.

Met according to adjournment.

The Governor and Council joined the Assembly in attending Divine worship which was performed by the Rev'd M<sup>r</sup> David Avery in a discourse from <sup>1</sup>

The Credentials of the Representatives being read, the following members were returned legally chosen and took the necessary oaths, and gave their assent to the Religious test<sup>2</sup> &c viz.

Pownal	M <sup>r</sup> Elisha Barber & Capt. Joseph Briggs
Bennington	Sam <sup>t</sup> Robinson Esq <sup>r</sup> & Col <sup>o</sup> Eben <sup>r</sup> Walbridge
Shaftsbury	Maj <sup>r</sup> Gideon Olin & M <sup>r</sup> William Ward
Arlington	Capt. Matthew Lyon & M <sup>r</sup> Eli Petibone
Sandgate	Abner Hurd Esq <sup>r</sup>
Manchester	Maj <sup>r</sup> Gideon Ormsby and Martin Powell Esq <sup>r</sup>
Sunderland	Capt. Samuel Bartlet
Dorset	Col <sup>o</sup> John Strong & Capt. Abraham Underhill
Reuport [Rupert]	Reuben Harmon Esq <sup>r</sup> Col <sup>o</sup> Stephen Pearl
Pawlet	Capt. Wm. Fitch, Capt. Zadock Everist
Wells	M <sup>r</sup> Barnabas Moss

1. The sentence is left incomplete, evidently with the intention of supplying the text of the election sermon at a later date, but the task was not completed.

2. A portion of Section 9 of the first Vermont Constitution read as follows: "And each member (of the House of Representatives), before he takes his seat, shall make and subscribe the following declaration, viz.:

"I do believe in one God, the Creator and Governor of the universe, the rewarder of the good and punisher of the wicked, and I do acknowledge the Scriptures of the Old and New Testament to be given by divine inspiration, and own and profess the Protestant religion.

"And no further or other religious test shall ever, hereafter, be required of any civil officer or magistrate in this State." This oath was expunged from the Constitution in 1793. See Journal of the Constitutional Convention, July 3-9, 1793, in Proceedings of the Vermont Historical Society, 1921-1923, pp. 194, 197.

Poulney	William Ward Esq <sup>r</sup>
Castleton	Bruster [Brewster] Higley Esq <sup>r</sup>
Danby	Thomas Rowley, Capt. William Gage
Tinmouth	Thomas Porter Esq <sup>r</sup> M <sup>r</sup> Sol <sup>o</sup> Bingham
Wallingford	Abraham Jackson Esq <sup>r</sup>
Clarendon	M <sup>r</sup> Joseph Smith, Capt. Elihu Smith
Rutland	Benj <sup>a</sup> Whipple Esq <sup>r</sup> Lieut. Ros <sup>l</sup> Post
Pittsford	M <sup>r</sup> Ebenezer Drury
Guilford	Levi Goodenough Esq <sup>r</sup> M <sup>r</sup> David Thurbur
Hallifax	Edward Harris Esq <sup>r</sup> Capt. Hazaell Shepherd
Whitingham	M <sup>r</sup> Rob <sup>t</sup> Bratten
Marlborough	M <sup>r</sup> Jon <sup>th</sup> Underwood
Newfane	M <sup>r</sup> William Ward
Willmington	Col <sup>o</sup> William Williams
Dummerston	Jonathan Knight Esq <sup>r</sup>
Putney	Amos Hale Esq <sup>r</sup> M <sup>r</sup> Daniel Martin
Townshend	Silas Hayward
Westminster	Nathaniel Robinson Esq <sup>r</sup>
Athens	M <sup>r</sup> Abel Mattoon
Rockingham	Joshua Webb Esq <sup>r</sup> Reuben Jones Esq <sup>r</sup>
Chester	Thomas Chandler Jun <sup>r</sup> Esq <sup>r</sup>
Londonderry	[Edward Aikin]
Weathersfield	Capt. Israel Burlingame
Cavendish	
Windsor	Capt. Ebenezer Curtiss, Deacon Joel Eli [Ely]
Reading	Capt. John Weld
Thetford	Capt. Abner Seelye & M <sup>r</sup> Tim <sup>o</sup> Bartholomew
Woodstock	Capt. John Strong Ensign Warren Cottle
Hartford	M <sup>r</sup> Elkanah Sprague, Amos Robinson Esq <sup>r</sup>
Strafford	Lieut. John Powel
Barnard	Lieut. Joseph Foster
Royalton	Lieut. Calvin Parkhurst
Sharon	Capt. Ebenezer Parkhurst
Norwich	Maj <sup>r</sup> Thomas Murdock, Capt. Elisha Burton
Hertford[Hartland]	Lieut. Daniel Spooner

*Resolved* that a Committee of six to join a Committee from the Council be appointed to receive, sort and count the votes for Governor Deputy Governor, Counsellors and Treasurer and make report to this House. The members chosen M<sup>r</sup> [Edward] Harris, M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> Speaker, Col<sup>o</sup> [John] Strong M<sup>r</sup> A. Robinson and M<sup>r</sup> M. Powell.

The Committee appointed to receive, sort and count the votes for Gov<sup>r</sup> Depu<sup>t</sup>. Gov<sup>r</sup> &c &c found the following persons duly elected to the several offices which are annexed to their names viz.—

His Excellency THOMAS CHITTENDEN Esq<sup>r</sup> Governor  
His Honor BENJ<sup>a</sup> CARPENTER Esq<sup>r</sup> Deputy Governor

The Hon<sup>ble</sup> IRA ALLEN Esq<sup>r</sup> Treasurer

The Hon<sup>ble</sup> JONAS FAY, PAUL SPOONER, SAM<sup>l</sup> FLETCHER MOSES ROBINSON, TIMOTHY BROWNSON, JOSEPH BOWKER BENJ<sup>a</sup> EMMONS, JOHN THROOP, JOHN FASSETT JUN<sup>r</sup>, IRA ALLEN, JEREMIAH CLARK and THOMAS CHANDLER JUN<sup>r</sup> Esquires Counsellors; And proclamation was made of their several offices by the Sheriff.

Adjourned until 8 oClock tomorrow morning.

FRIDAY Oct<sup>r</sup> 13<sup>th</sup> 1780

Met according to adjournment.

His Excellency the Governor requested the house verbally to accept of his resignation of his office as Governor; but after repeated requests of a number of the Members of Council and Assembly that he would withdraw his motion for resigning, he agreed to take upon him that office and accordingly took the necessary oaths to qualify him for the office of Governor the ensuing year.

The hon<sup>ble</sup> Benj<sup>a</sup> Carpenter Esq<sup>r</sup> took the necessary oaths to qualify him for the office of Deputy Governor.

M<sup>r</sup> David Robinson the Constable attending on the House requested he might be dismissed to join the alarm<sup>r</sup> and that M<sup>r</sup> Timothy Follet take his place—Granted.

The Clerk requested leave of absence until Monday next—Refused

After some debate,

*Resolved* that this Assembly do not consider any person born in the United States of America to be a foreigner.

An Act entitled “an Act in addition to an Act against treason was read twice and ordered to ly on the table.

An Act entitled “An Act for the purpose of removing disaffected persons from the frontiers was read twice and ordered to ly on the table.

Lieut. Asa Edgerton’s credentials were read and objected against and refered for further consideration until monday next four oClock afternoon.

Adjourned until two oclock afternoon.

A petition Signed Witherel Wittum Malachi Wittum and Witherel Wittum Jun<sup>r</sup> was read and dismissed.

*Resolved* that a Committee of five be appointed to make such alterations in an Act entitled “an Act for the purpose of removing disaffected

i. A British force entered Lake Champlain early in October and Fort George and Fort Ann, in New York, were captured. This enterprise was intended as a diversion to aid a British attack in the Schoharie and Mohawk regions. The Vermont militia were ordered out, being assembled at Castleton. See Governor and Council, Vol. 2, p. 41; Crockett’s History of Vermont, Vol. 2, pp. 264-265.

persons from the frontiers<sup>1</sup>" as they shall judge necessary and make report to this House—The members chosen Mr [Benjamin] Whipple, M [Thomas] Porter, M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Joshua] Webb & M<sup>r</sup> [John<sup>r</sup>] Strong.

*Resolved* that this Assembly will choose by ballot a Secretary of State for the year ensuing—The ballots being taken,

JOSEPH FAY Esq<sup>r</sup> was unanimously Elected to that office.

An Act entitled "an Act for the purpose of removing disaffected persons from the frontiers was read, passed and sent up for concurrence.

*Resolved* that a Member of this Assembly wait on the Governor & Council and desire they would join the House in choosing judges of the Superior Court—They accordingly attended and the ballots being taken

The Hon<sup>ble</sup> MOSES ROBINSON, PAUL SPOONER JOHN FASSETT Esquires, INCREASE MOSELEY Esq<sup>r</sup> and the Hon<sup>ble</sup> JOHN THROOP<sup>2</sup> Esq<sup>r</sup> were elected judges of the Superior Court for the ensuing year.

Judge Spooner desired that he might be entered as third judge in the room of Judge Fassett and that he might be second in his place—Granted.

Capt. Joseph Briggs desired leave of absence to Join the alarm<sup>3</sup> granted.

Adjourned until 9 oClock tomorrow morning.

### SATURDAY Oct<sup>r</sup> 14<sup>th</sup> 1780

Met according to adjournment.

The Governor laid before the house a Letter signed Sam<sup>l</sup> Huntington president of Congress enclosing Acts of Congress of the 9<sup>th</sup> and 11<sup>th</sup> of June last—and a letter under his signature to the President of Congress dated 25<sup>th</sup> July 1780—And desired Col<sup>o</sup> Ira Allen to relate to

1. This act was designed to apply to persons living in frontier towns who did not feel themselves in any danger from the common enemy, who refused to assist in the defence of the settlements, and who, it was suspected, held "secret and traitorous correspondence with" and as occasion offered, harbored and concealed the enemies of Vermont and the United States. The Selectmen of a town were authorized to call a town meeting, to vote upon the desirability of the removal of suspected persons and if such persons were considered dangerous to the safety of the frontiers, within thirty days they must remove to the interior part of the State. The frontier towns were specified as follows: Andover, Arlington, Athens, Barnet, Bernard (Barnard), Bethel, Brumley (Bromley, now Peru), Castleton, Cavendish, Clarendon, Danby, Guildhall, Hertford (Hartland), Londonderry, Lunenburg, Maidstone, Manchester, Newbury, Newfane, Pollett (Pawlet), Pittsford, Pomfret, Poulney, Reading, Royalton, Rupert, Rutland, Ryegate, Sandgate, Shrewsbury, Strafford, (Strafford), Tinnmouth, Townshend, Wallingford, Wells, Weathersfield, Woodstock.—Slade's Vermont State Papers, pp. 414-415.

2. For biographical sketch of John Throop see Governor and Council, Vol. 2, p. 2.

3. This is a reference to the call for the militia in October, 1780, when a British attack was feared in the valley of Lake Champlain.

the House his appointment instructions and proceedings to Congress<sup>r</sup> &c. which he did in the following manner viz.

*First* a Commission appointing himself and Stephen R. Bradley Commissioners to wait on the Congress of the United States, &c signed by Thomas Chittenden Esq<sup>r</sup> &c and attested by Joseph Fay Esq<sup>r</sup> Secretary &c.

*2<sup>dly</sup>* A letter signed Ira Allen and Stephen R. Bradley directed to the president of Congress acquainting him of their Commission &c. dated at Philadelphia Sept<sup>r</sup> 12<sup>th</sup> 1780

*3<sup>dly</sup>* A paper signed by Ira Allen and Stephen R. Bradley Esq<sup>rs</sup> requesting to be admitted personally in Congress when they should take the disputes &c respecting Vermont into consideration—dated Philadelphia Sept<sup>r</sup> 13<sup>th</sup> 1780

*4<sup>th</sup>* A paper signed Charles Thompson Sec<sup>y</sup> notifying that Congress should take the aforesaid dispute into consideration and that the said Commissioners attend &c.

*5<sup>th</sup>* A Remonstrance signed by Ira Allen and Stephen R. Bradley Esquires directed to Congress; dated Sept<sup>r</sup> 22<sup>d</sup> 1780.

*6<sup>th</sup>* A letter signed by Ira Allen and Stephen R. Bradley Esquires directed to the President of Congress—dated Philadelphia Oct<sup>r</sup> 2<sup>d</sup> 1780. The aforesaid papers were read; and an explanation and a verbal account of the proceedings of said Commissioners was made by Col<sup>o</sup> Allen.

The following nessuage from the Governor and Council was read viz.

*"In Council Oct<sup>r</sup> 14<sup>th</sup> 1780.*

*"Gentlemen of the Gen<sup>l</sup> Assembly.*

*"This Council have had so much business in forwarding assistance to the frontiers<sup>2</sup>, that they have not had time sufficient to arrange the whole of the business that will likely be laid before you this Session; shall therefore at this time lay before you the following for your present consideration, viz.*

1. During the summer and autumn of 1780 Congress had given attention to the Vermont problem without finding a satisfactory solution. Not only was the New York influence hostile to Vermont but a petition had been presented from residents of the Connecticut River valley, including some Vermonters, asking for a union "of the two sides of the river," or if that was not possible, annexation to New Hampshire. A strong and vigorous presentation of Vermont's claims, signed by Governor Chittenden, was presented to Congress on Sept. 12, 1780, by Ira Allen and Stephen R. Bradley as representatives of Vermont, together with a copy of Bradley's "Appeal." On Sept. 19, Congress gave a hearing on the Vermont situation. Representatives of Vermont, the Connecticut Valley interests friendly to New Hampshire and the New York party of Cumberland County were present. The Vermont agents were not given official recognition. The hearing having been postponed, the Vermont agents returned home. The agents addressed a remonstrance to Congress, dated Sept. 12, 1780, protesting against the lack of fairness to Vermont, shown in the hearing. See Governor and Council, Vol. 2, pp. 238-266 for documents relative to this episode. Crockett's History of Vermont, Vol. 2, pp. 301-308.

2. See Governor and Council, Vol. 2, p. 41, for order concerning the purchase and transportation of provisions and supplies for the militia.

1<sup>st</sup> The ways and means of supplying the Treasury and securing the frontiers<sup>1</sup>:

2<sup>d</sup> The procuring provisions and ammunition for the year ensuing.

3<sup>d</sup> The taking some effectual measures for the securing such lands as heretofore have been and hereafter may be confiscated to the use of this State.

4<sup>th</sup> The makeing such resolves as will in equity quiet the ancient settlers<sup>2</sup>.

5<sup>th</sup> The making such resolutions concerning the unsettled rights of land which have been heretofore granted as will appear just and reasonable and be a means of bringing forward the settlement of the unsettled towns within the lines;

"And any other matters as they shall occur shall from time to time be laid before you for your consideration.

by order of Council  
THO<sup>s</sup> CHITTENDEN Gov<sup>r</sup>

A petition signed John Chandler Administrator of the Estate of Benj<sup>a</sup> Chandler late of Tinmouth deceased was read; and thereupon

*Resolved* that John Chandler Administrator of the Estate of Benj- Chandler late of Tinmouth in the County of Bennington and State of Vermont deceased be and he is hereby fully authorised and impowered to sell and give a deed of conveyance of as much of the real estate of the said deceased as will procure the sum of forty nine pounds three shillings as money was in the year 1774 with the necessary costs that will arise on making such sale and deliver his account of the remittances to the Court of Probate for the District of Rutland.

A petition signed Hannah Beardsley<sup>3</sup> was read and refered to a Committee of two to join a Committee from the Council, and make report to this House—The members chosen M<sup>r</sup> Harmon and M<sup>r</sup> Murdock.

*Resolved* That a Committee of five to join a Committee from the Council be appointed to take into consideration the situation of ungranted lands within this State which can be settled and the several petitions filed in the Secretary's office praying for grants of such unlocated lands: and report their opinion what lands can be granted, and what persons will most conduce to the welfare of this State to have such grants—The members chosen by ballot are M<sup>r</sup> Sam<sup>l</sup> Robinson, M<sup>r</sup> [Edward] Harris, Col<sup>o</sup> [John] Strong, M<sup>r</sup> [Ebenezer] Curtiss and M<sup>r</sup> [Joshua] Webb.

1. Reference is made to the expected attack from British forces on Lake Champlain. Committees were appointed at this time on finances, land grant petitions and the frontiers. See p. 131 for a report on the strength of the garrisons at Castleton and Pittsford and the number of men needed for the defence of the State.

2. "Betterment Acts," so-called, were passed by the General Assembly in 1781 and 1784 providing that settlers on lands, the titles to which were of doubtful value, might recover for the improvements made.—See Crockett's History of Vermont, Vol. 2, pp. 401-403; Governor and Council, Vol. 3, p. 343.

3. A petition from the widow of a man whose farm had been confiscated. See p. 135.

*Resolved* that the members constituting the board of War as appointed the last Session<sup>1</sup> be and they are hereby impowered to do the business of said board until another board of War be chosen.

Adjourned until monday next eight o'clock in the morning.

MONDAY Oct<sup>r</sup> 16<sup>th</sup> 1780

Met according to adjournment.

*Resolved* that a Committee of five be appointed to take into consideration the frontiers of this State, and make report to this House the situation thereof, and what ought to be immediately done to guard the same—The members chosen M<sup>r</sup> [Thomas] Porter, M<sup>r</sup> [Thomas] Murdock, M<sup>r</sup> S. Robinson, M<sup>r</sup> E. Smith and M<sup>r</sup> [Abner] Seelye.

*Resolved* that M<sup>r</sup> [Ebenezer] Curtiss and M<sup>r</sup> [Benjamin] Whipple join the aforesaid Committee.—

A petition signed John Powell dated Oct<sup>r</sup> 14<sup>th</sup> 1780 was read:

*Ordered* that it be referred to the Governor and Council for adjustment and Settlement.

The orders and regulations of the house were read and revived; except the Clerk who not punctually attending adjournments and the regulations of the House shall be liable to be broke or fined as the house shall judge requisite.

*Resolved* that a Committee of three be appointed to prepare a Bill for securing such lands as have been, or may be Confiscated to the use of this State—Committee chosen, M<sup>r</sup> [Reuben] Jones, M<sup>r</sup> Stephen Jacob and M<sup>r</sup> [Edward] Harris.

*Resolved* that a Committee of five be appointed to prepare a Bill concerning the unsettled Rights of land which have been heretofore granted as will appear just and reasonable and be a means of bringing forward the settlement of the unsettled towns within this State: The members chosen are M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Thomas] Rowley, M<sup>r</sup> A. Robinson, M<sup>r</sup> [Joshua] Webb and Esq<sup>r</sup> [William] Ward.

Adjourned until 2 oClock afternoon.

Met according to adjournment.

The Committee appointed to take into consideration the frontiers of this State &c brought in the following report viz.

"That according to the best information we can obtain there is in the garisons at Pittsford and Castleton about one hundred and fifty men, and in the garisons east of the Mountains about eighty men—And that it is our opinion that four hundred men ought to be immediately raised and victualled at the cost of this State; 350 of said men to be

1. See p. 82 for members of Board of War elected in 1779.

stationed in the garrisons at Pittsford and Castleton and the remainder the east side of the mountains—said men to continue in service six weeks unless sooner discharged.

“Signed p<sup>r</sup> Order Thos PORTER Ch<sup>m</sup>”

The aforesaid Report was read and accepted.

*Resolved* that a Committee of three to join a Committee from the Council to make out an estimate of the necessary expenses which will probably incur the ensuing year and report to this House—The Members chosen M<sup>r</sup> [Abner] Seeyle, M<sup>r</sup> [Thomas] Porter, and M<sup>r</sup> M. Powell.

The Credentials of Lieut. Asa Edgerton a representative from Middlesex which was refered to this day, was read and taken into consideration, and after some debate, he was unanimously refused a seat in this House.

*Resolved* that a Committee of three to join a Committee from the Council be appointed to prepare a bill for quieting the ancient settlers—The members chosen M<sup>r</sup> [Thomas] Porter, M<sup>r</sup> E. Smith and M<sup>r</sup> [Ebenezer] Walbridge.

*Resolved* that a Committee of three be appointed to receive the grand lists. The members chosen M<sup>r</sup> [Reuben] Harmon, M<sup>r</sup> [Reuben] Jones, and M<sup>r</sup> [Elisha] Barber.

*Resolved* that a Committee of three be appointed to prepare a Bill Enabling towns destitute of town officers to meet and choose the same—The members chosen M<sup>r</sup> A. Robinson, M<sup>r</sup> [William] Williams and M<sup>r</sup> [William] Gaige.

Adjourned until tomorrow morning eight o'clock.

TUESDAY Oct<sup>r</sup> 17<sup>th</sup> 1780

Met according to adjournment.

*Resolved* that the words “which can be settled” be erased in the resolve appointing a Committee of five to take into consideration ungranted lands<sup>1</sup> &c and that four persons be added to said Committee—The members chosen M<sup>r</sup> [Matthew Lyon] Lyons, M<sup>r</sup> [Benjamin] Whipple, M<sup>r</sup> [Thomas] Porter and M<sup>r</sup> [Thomas] Murdock.

A petition signed Zadock Wright was read and dismissed.

An Act entitled “an Act in addition to an Act<sup>2</sup>

was read, passed the house and sent up for concurrence.—

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1. The grants of land made in 1780 not only raised funds for the support of the State but added influential friends to the Vermont cause. Ira Allen declared that this policy enabled Vermont to raise revenue without taxing the citizens of the State, and “this circumstance greatly promoted migration into Vermont.” General Washington, in 1783, in writing of the Vermonters said: “They have a powerful interest in those (the New England) States, and pursued very politic measures to strengthen and increase it, long before I had any knowledge of the matter, and before the tendency of it was seen into or suspected, by granting upon very advantagous terms large tracts of land; in which, I am sorry to find, the army in some degree have participated.” See “The Land Grants of 1780,” Governor and Council, Vol. 2, pp. 61-64.

2. The complete title of the act is missing.

The yeas and nays being required on the second clause of the Act they stand as follows viz—

Yeaſ	Nayſ
M <sup>r</sup> Speaker	M <sup>r</sup> Barber
M <sup>r</sup> S. Robinson	M <sup>r</sup> Walbridge
M <sup>r</sup> Lyon	M <sup>r</sup> Petibone
M <sup>r</sup> Hurd	M <sup>r</sup> Bartlet
M <sup>r</sup> M. Powel	M <sup>r</sup> Rowley
Col <sup>o</sup> Strong	M <sup>r</sup> Gaige
M <sup>r</sup> Harmon	M <sup>r</sup> Goodenough
M <sup>r</sup> Moss	M <sup>r</sup> Harris
M <sup>r</sup> Ward 2 <sup>d</sup>	M <sup>r</sup> Bratten
M <sup>r</sup> Higley	M <sup>r</sup> Underwood
M <sup>r</sup> Porter	M <sup>r</sup> Knight
M <sup>r</sup> Bingham	M <sup>r</sup> Hale
M <sup>r</sup> Jackson	M <sup>r</sup> Mattoon
M <sup>r</sup> J. Smith	M <sup>r</sup> Weld
M <sup>r</sup> E. Smith	M <sup>r</sup> A. Robinson
M <sup>r</sup> Whipple	M <sup>r</sup> J. Powel
M <sup>r</sup> Post	M <sup>r</sup> C. Parkhurst
M <sup>r</sup> Drury	M <sup>r</sup> E. Parkhurst
M <sup>r</sup> Ward 3 <sup>d</sup>	M <sup>r</sup> Murdock
M <sup>r</sup> Williams	M <sup>r</sup> Burton
M <sup>r</sup> Hayward	M <sup>r</sup> Spooner
M <sup>r</sup> N. Robinson	
M <sup>r</sup> Webb	
M <sup>r</sup> Jones	
M <sup>r</sup> Burlingame	
M <sup>r</sup> Curtiss	
M <sup>r</sup> Seeyle	
Capt. Strong	
M <sup>r</sup> Cottle	So it passed in the affirmative

*Resolved* that four persons be added to the Committee appointed “to prepare a Bill to quiet ancient settlers” The members chosen Col<sup>o</sup> [John] Strong, M<sup>r</sup> [Edward] Harris, M<sup>r</sup> [Reuben] Jones and M<sup>r</sup> [Ebenezer] Drury—M<sup>r</sup> [John] Powel is appointed in the room of Col<sup>o</sup> Strong and M<sup>r</sup> [William] Ward 2<sup>d</sup> in the room of M<sup>r</sup> Harris and M<sup>r</sup> [Thomas] Porter to keep his seat in said Committee.

Bildad Andrus Esq<sup>r</sup> in behalf of the inhabitants of Mooretown [Bradford] set forth that there is a petition signed by John Payne, Jon<sup>n</sup> M Connell &c filed in the Secretary’s office for said township in which the whole of the settlers of said town are not included; and requests that said petition may not be granted unto the said petitioners; and informing the house that the inhabitants are very desirous to obtain a grant of said township and doing there duty under the authority of this State: and after some debate

*Resolved* that the granting of said township be referred until the next Session of Assembly.

*Whereas* there are several towns unrepresented in this Assembly through the neglect of the proper officers for warning freemens meetings, or some other reasons which does by no means interfere with their right of representation; therefore

*Resolved* that the respective Constables of such towns be and the are hereby impowered and required to warn the freemen of the respective towns to meet at some convenient place in such town at least twenty days before the next Session of this Assembly for the purpose of choosing a representative or Representatives for such towns—and it shall be the duty of the freemen, then and there to attend and proceed to elect A Representative or Representatives according to Law.

Adjourned until 2 oClock afternoon.

Met according to adjournment.

The following paper was sent to the Assembly viz.

“ Bennington Oct<sup>r</sup> 16<sup>th</sup> 1780

“ Gentlemen of the House of Representatives;

“Would inform you that the Council have this day demanded my attendance as a member of Council, as many of the members are on Committees. I have complied with their demand—The House must therefore choose a new Speaker as I can not stand in that place any longer

Yours &c THO<sup>s</sup> CHANDLER JUN<sup>r</sup>”

Therefore the ballots for a Speaker was called for by the Clerk; and THOMAS PORTER<sup>r</sup> Esq<sup>r</sup> was elected into that office and took the necessary oaths to qualify for said office.

*Resolved* that Mr [Thomas] Rowley take the place of Mr Porter in a Committee appointed to take into consideration ungranted lands and the Petitions filed in the Secretary's office therefor and that Mr [John] Powell take his place in a Committee appointed to prepare a Bill to quiet ancient Settlers.

A petition signed Solomon Hervey Jonathan Perham and Riverus Hooker dated at Bennington 16<sup>th</sup> Oct<sup>r</sup> 1780 was read and ordered to ly on the table.

*Resolved* that Nine persons be chosen by joint ballot of both houses a Board of War for the ensuing year.

The Gov<sup>r</sup> and Council attended the house accordingly and proceeded to choose a board of War, when the ballots being taken the following persons were Elected viz.—The Hon<sup>ble</sup> TIM<sup>o</sup> BROWNSON, IRA ALLEN Esquire SAM<sup>l</sup> ROBINSON Esq<sup>r</sup> the hon<sup>ble</sup> JOSEPH BOWKER Esq<sup>r</sup> Col<sup>o</sup> STEPHEN PEARL, the hon<sup>ble</sup> JOHN FASSETT Esq<sup>r</sup> Maj<sup>r</sup> BENJ<sup>a</sup> WAIT, the hon<sup>ble</sup> SAM<sup>l</sup> FLETCHER Esq<sup>r</sup> and Maj<sup>r</sup> THOMAS MURDOCK.

1. See Governor and Council, vol. 3, pp. 1-2, for biographical sketch of Thomas Porter. This was his first term in the Assembly.

The Committee appointed to prepare a Bill for securing such lands as have been Confiscated &c brought in a Bill which was read and after some debate was dismissed.

Adjourned until 8 o'clock tomorrow morning.

WEDNESDAY Oct<sup>r</sup> 18<sup>th</sup> 1780

Met according to adjournment.

*Resolved* that M<sup>r</sup> Jon<sup>th</sup> Underwood be and is hereby appointed Speaker pro temp.

*Resolved* that a Committee of five to join a Committee from the Council be appointed to prepare instructions for the board of War. The Members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [William] Williams M<sup>r</sup> [Abner] Seelye, M<sup>r</sup> [Roswell] Post and M<sup>r</sup> [William] Fitch—M<sup>r</sup> A. Robinson is appointed in the room of M<sup>r</sup> Lyon.

A petition signed Eliphalet Roberts was read and dismissed.

A petition signed John Marsh was read and dismissed.

Adjourned until 2 o'clock afternoon.

Met according to adjournment.

*Resolved* that a Committee of five be appointed to prepare a Bill to regulate the building partition fences and make report—The members chosen M<sup>r</sup> [Abner] Seelye, M<sup>r</sup> [Abraham] Jackson M<sup>r</sup> [Amos] Hale, M<sup>r</sup> [William] Fitch and M<sup>r</sup> A. Robinson.

The Committee to whom was referred the petition of Hannah Beardsley brought in the following report viz.

“That it is our opinion that Hannah the wife of the late Israel Beardsley of Dorset deceased have allowed her out of the farm which formerly belonged to the said Beardsley and now confiscated to the use of this State thirty acres lying in the north west corner of said farm so as to take the house, barn and improvements adjoining to be laid out by the direction of the hon<sup>b</sup>le John Fassett Esq<sup>r</sup> for the support of her and her Children during her natural life and after her decease to be the property of those heirs she had by the said Beardsley upon condition that the said Hannah procure sufficient bonds to indemnify the State from further charge arising from the said Hannah or her present heirs.

JOSEPH BOWKER Ch<sup>m</sup>”

The aforesaid Report was read and accepted.

A petition signed Mathias Rust Clerk in behalf of a number of the inhabitants of the town of Hertford [Hartland] praying that said town might be divided into two Societies was read, and,

*Ordered* that said petition be referred to the next Session of Assembly and that M<sup>r</sup> Daniel Spooner serve the adverse party with a Copy of this Resolve.

An Act entitled "An Act directing what money and bills of credit shall be legal currency<sup>1</sup> in this State" was read and *ordered* to ly on the table.

Upon Request of Doct<sup>r</sup> Sol<sup>o</sup> Harvey *Ordered*,

That the petition signed Sol<sup>o</sup> Harvey and others be refered until the next Session of Assembly for consideration.

A petition signed Tarrant Putnam was read, setting forth that he sometime in the beginning of the year 1776 purchased a right of land in the township of Bredport [Bridport] being in this State of Nahum Houghton, viz the right granted to the said Houghton; and also a right of land lying in said Bredport of Roger Stephens Jun<sup>r</sup> being the right granted to Thomas Stearns; and received good authenticated deeds from the said Houghton and Stephens of the aforesaid rights of land; and that the Enemy overtook him at Skeensborough<sup>2</sup> in the retreat soon after the evacuation of the fortresses Tyconderoga and Mount Independence and took possession of his effects and the said deeds, he therefore prays that this Assembly would confirm the said two rights of land to him the said Tarrant Putnam and to his Heirs assigns &c Therefore,

*Resolved* that the before mentioned two rights of land be and they are hereby confirmed unto him the said Tarrant Putnam and to his Heirs and Assigns forever in as full and firm a manner as if the said Putnam had not lost said deeds; and all courts of justice in this State are directed to conduct accordingly; Provided the said Putnam pay to the Treasury of this State seven pounds ten shillings in Lawful Money in silver with interest from the beginning of the year 1776, which was due from said Putnam to the said Houghton and is now due to this State (by reason of the said Houghton's joining the enemy) and the receipt of the treasurer shall be a sufficient indemnification in law against the said Putnams obligation for the aforesaid sum. And this Resolution being recorded in the office where the said deeds by law are directed to be recorded shall be a sufficient title in law for said Rights.

A petition signed Thos<sup>s</sup> Sawyer Eben<sup>r</sup> Pitcher and Tha<sup>d</sup> Curtiss as Committee of Clarenden was read, and thereupon,

*Resolved*<sup>3</sup>

1. A law passed at the October session in 1780 provided that all genuine coined gold, silver and copper shall be legal money in this State—gold at the rate of five pounds per ounce; silver at six shillings and eight pence per ounce; and coined coppers at two pence per ounce. All bills of credit emitted by the United States of America before March 18, 1780, should be "a legal tender as money, according to their current value; having regard to their current value at the time of making all contracts, as at the time of rendering judgments." This valuation of bills are not to apply to contracts made or to be made in gold, silver or their equivalent; to money to be made good as before the war; or to contracts payable in commodities ("any particular thing or things at a certain price.") See Slade's Vermont State Papers, p. 398, for text of law. The ratio between gold and silver money and Continental paper currency, Sept. 1, 1780, was 1 to 72. See Slade's Vermont State Papers, p. 430.

2. Following the evacuation of Ticonderoga by the American troops, on the early morning of July 6, 1777, a part of the forces retreated by way of Lake Champlain to Skeneborough (Whitehall). See Crockett's History of Vermont, Vol. 2, pp. 61-62.

3. The text of the resolution was not copied in the original records.

THURSDAY Oct<sup>r</sup> 19<sup>th</sup> 1780

Met according to adjournment.

The Committee appointed to prepare a bill to regulate the building partition fences, brought in two Bills; one entitled "An Act for lawful fence within this State" The other entitled, "An Act to direct persons with respect to Division fences" which Acts were sundry times read, passed and sent up for concurrence.

A petition from a number of the inhabitants of Pownal, "praying that a resolve constituting Henry Younds and John Adam Fisher to keep gates on the public road in said Pownal on the road that leads from Williamstown to Albany might be repealed" was read. And as there is a clause in an Act entitled "An Act to prevent encroachments on highways &c" passed since the said Resolve particularly applicable to that case the said petition was dismissed.

*Ordered,*

That Col<sup>o</sup> [William] Williams be and is hereby appointed to desire the Court of Confiscation to make report of their proceedings to this Assembly at this, or the next Session.

A petition signed Eldad Dewey setting forth that his father the Rev'd Jedidiah Dewey<sup>1</sup> for a valuable consideration gave him two deeds one for the east half of the right of land lying in Bennington and Called Lott N<sup>o</sup>. The other for the west half of said right, which deeds have never been acknowledged, and the signer and witnesses of said deeds are since dead so that they can not be acknowledged according to law, he therefore prays that this Assembly would confirm the said deeds unto him, his heirs and assigns in as firm a manner as if they had been acknowledged according to Law, was read and, *Ordered*,

That a Bill be brought in accordingly.

Adjourned until 2 o'clock afternoon.

Met according to adjournment.

A Caveat signed Joseph Fay "desiring the Assembly would suspend passing the Bill ordered to be brought in on Eldad Dewey's petition until he could have a hearing" was read and the party's were notified to attend, which they did; and M<sup>r</sup> Dewey requested the house to suspend passing the bill for the present.

*Resolved* that a Committee of three be appointed to join a Committee from the Council to prepare a fee bill<sup>2</sup> and regulate fines &c. The members chosen M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> [Reuben] Jones and M<sup>r</sup> E. Smith.

1. See note p. 21.

2. See Slade's Vermont State Papers, pp. 316-319, for table of fees for court officials and Town Clerks established in February, 1779.

FRIDAY Oct<sup>r</sup> 20<sup>th</sup> 1780

Met according to adjournment.

*Resolved* that a Committee of three to join a Committee from the Council be appointed to enquire into the expediency of building a bridge in Pittsford &c. and make report—The members chosen M<sup>r</sup> [Solomon] Bingham, M<sup>r</sup> E. Smith and M<sup>r</sup> [Bruster] Higley.

An Act for the reviving and continuing in force a certain act passed in March last entitled “an Act to prevent transporting provisions out of this State<sup>1</sup> &c.” passed and sent up for concurrence.

*Resolved* that a Committee of nine to join a Committee from the Council be appointed to prepare a Bill to procure provisions in the respective towns within this State for the use of the troops raised for the defence thereof—The members chosen are M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> [Matthew] Lyon, Capt. [John] Strong, M<sup>r</sup> [William] Fitch, M<sup>r</sup> C. Parkhurst, M<sup>r</sup> [Levi] Goodenough, M<sup>r</sup> E. Smith, M<sup>r</sup> [Abner] Seelye and M<sup>r</sup> [Amos] Hale—M<sup>r</sup> [Elisha] Burton is appointed in the room of M<sup>r</sup> Parkhurst.

Sundry letters from Gen<sup>l</sup> [Ethan] Allen<sup>2</sup> to Gov<sup>r</sup> Chittenden dated at Head Quarters Castleton, Oct<sup>r</sup> 18<sup>th</sup> & 19<sup>th</sup> were read.

The Committee appointed last Session of Assembly to make enquiry into the petition of Daniel Spooner, Steel Smith and Company of Capt. Edmond Hodges, Amos Robinson Esq<sup>r</sup> and Company, of John Throop Esq<sup>r</sup> Dan<sup>r</sup> Gilbert and Company and the other petitions for the same land specified in the aforesaid petitions; and make report to this Assembly brought in the following Report viz.

“That whereas they have never been applied to by the parties to explore the ground on which the several petitions aforesaid were laid, are therefore under no capacity to fully answer the purpose of their appointment they therefore pray to be dismissed, and that the matter may be taken up and considered by the Committee of both houses now sitting at the School house in this place.

signed

W<sup>m</sup> WILLIAMS Ch<sup>m</sup>”

The aforesaid Report was read and Accepted.

Adjourned until 2 oClock afternoon.

Met according to adjournment.

A petition was read by David Lee and, *Ordered* to ly on the Table.

The Committee appointed to prepare instructions for the Board of War brought in their report which was read and accepted—but afterwards reconsidered—

1. See Slade's Vermont State Papers, pp. 396-397, for text of act to prevent the transportation of provisions out of this State.

2. The Vermont militia had been ordered to rendezvous at Castleton under command of Ethan Allen on account of the appearance of a British force on Lake Champlain. Ammunition and provisions were distributed from a storhouse in Rutland to forts at Castleton, Pittsford and East Rutland. The British did not visit the Vermont shore of Lake Champlain and soon withdrew to Canada.—Crockett's History of Vermont, Vol. 2, pp. 264-265.

The Committee appointed to examine into the necessity of building a bridge in Pittsford &c. brought in the following report viz.

"That it is our opinion that there ought to be a bridge fit for ox teams to pass over in said Pittsford with the greatest expedition."

signed "JEREMIAH CLARK Ch<sup>m</sup>"

WHEREAS it is represented that it is dangerous transporting provisions across a creek near Capt. Benjamin Cooleys in Pittsford, to the garrison in said town by reason of their not being a good and sufficient bridge over said Creek; Therefore,

*Resolved* that a bridge sufficient for an ox team with a loaded cart to pass over be built over the said Creek near Capt. Cooleys on this States cost; and that M<sup>r</sup> Eben<sup>r</sup> Drury Capt. Joseph Safford and Capt. Benj<sup>a</sup> Cooley be and they hereby appointed a Committee to see that said bridge<sup>1</sup> is immediately built; and the commander of the garrison in Pittsford is hereby requested to detach such a number from the garrison from time to time as he can spare to work on said bridge under the direction of s<sup>d</sup> Committee

Adjourned until tomorrow morning 8 oclock.

SATURDAY Oct<sup>r</sup> 21<sup>st</sup> 1780

Met according to adjournment.

Capt. Eben<sup>r</sup> Parkhurst [of Sharon] desired leave to return home on account of the invasion of the Enemy<sup>2</sup>—Granted.

*Resolved* that this Assembly do approve and confirm the Resolutions of Council in desiring General [John] Fellows [of Sheffield, Mass.] to raise two Companies of Volunteers from his brigade in Berkeshire County [Mass.] for the defence of the northern frontiers of this State.

A petition Signed Asa Edgerton (in behalf of said petitioners) was read; and

*Ordered*,

That it be refered to the Governor and Council for adjustment and settlement.

An Act entitled "An Act for the purpose of removing disaffected persons from the frontiers of this State<sup>3</sup>," was read passed and sent up for concurrence.

Lieut. Calvin Parkhurst [of Royalton] desired leave to return home on account of the invasion of the Enemy—Granted.

1. Pittsford was one of the important frontier posts during the later years of the war.—Governor and Council, Vol. 2, pp. 28, 35.

2. This is a reference to the expedition which resulted in the burning of Royalton. It was organized in Canada, was composed approximately of three hundred men, all but seven being Indians. The purpose is said to have been primarily the capture of Lieut. Benjamin Whitcomb of Newbury, who had mortally wounded General Gordon of the British army in a skirmish in 1776. In this attempt it was not successful, but several persons were killed and some property was destroyed in Tunbridge, Randolph, and Royalton.—Crockett's History of Vermont, Vol. 2, pp. 265-269.

3. See Slade's Vermont State Papers, pp. 414-415 for text of act.

*Resolved* that a Committee of three be appointed to deliver the law books to the Representatives to be distributed to the several towns in this State—The members chosen M<sup>r</sup> A. Robinson, M<sup>r</sup> [Abner] Seelye and M<sup>r</sup> [William] Ward 3<sup>d</sup> [of Newfane].

An Act entitled “An Act against Enemical Conduct<sup>1</sup>” was read and *Ordered*, to ly on the Table.

*Resolved* that a Committee of five to join a Committee from the Council be appointed to prepare a bill to revive and repeal such laws as is necessary and make report—The members chosen M<sup>r</sup> [William] Ward [of Shaftsbury] M<sup>r</sup> [Reuben] Harmon, M<sup>r</sup> [Gideon] Olin, M<sup>r</sup> N. Robinson and M<sup>r</sup> [Roswell] Post.

The Committee appointed to take into consideration the ungranted lands in this State, and the several petitions filed in the Secretary’s office &c brought in the following report viz.—

“That it is our opinion the following tract of land viz lying east of and adjoining Middlesex on Onion River and partly north of Berlin containing 23040 acres be granted by the Assembly unto Col<sup>o</sup> Timothy Bigelow and Company by the name of Montpelier<sup>2</sup>—”

Signed “PAUL SPOONER Ch<sup>m</sup>”

The aforesaid Report was read and accepted; and,

*Resolved* that there be and hereby is granted unto Col<sup>o</sup> Timothy Bigelow and Company being sixty in number a township of land by the name of Montpelier situate and lying in this State bounded as follows viz lying east of and adjoining to Middlesex on Onion River and partly north of Berlin containing twenty three thousand and forty acres: And the Governor and Council are hereby requested to issue a grant or Charter of incorporation of said township of Montpelier under such restrictions, reservations and for such considerations as they shall judge best for the benefit of the State.

Adjourned until half after 1 oClock.

Met according to adjournment.

The Committee appointed to take into consideration ungranted lands, and the petitions filed in the Secretary’s office &c. brought in the following report viz.

“That it is our opinion that the following tract of land viz. lying east and adjoining to Worcester and north of Montpelier containing 23040 acres be granted by the Assembly to Col<sup>o</sup> Jacob Davis, M<sup>r</sup> Stephen Fay Jun<sup>r</sup> and Company.”

Signed PAUL SPOONER Ch<sup>m</sup>

1. See Slade’s Vermont State Papers, pp. 412-413, for text of an act on this subject.

2. Col. Timothy Bigelow was a resident of Worcester, Mass., and commanded a Massachusetts regiment in the Revolutionary War. See Governor and Council, Vol. 2, p. 45 for biographical sketch. See D. P. Thompson’s History of Montpelier; State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 140-144, 324. A second charter was granted in 1781 as the first did not define the bounds of the township. Montpelier was made the State capital in 1805.

The aforesaid Report was read and accepted; Whereupon,

*Resolved* that there be and hereby is granted unto Col<sup>o</sup> Jacob Davis, M<sup>r</sup> Stephen Fay Jun<sup>r</sup> and Company to the number of sixty a township of land by the name of CALAIS<sup>i</sup> situate and lying in this State, bounded as follows viz lying east of and adjoining to Worcester and north of Montpelier containing twenty three thousand and forty acres: And the Governor and Council are hereby requested to issue a grant of said township of Calais to the said Davis, Fay and Company under such restrictions reservations, and for such conditions as they shall judge best for the benefit of the State.

Adjourned until 8 o'clock Monday morning.

MONDAY Oct<sup>r</sup> 23<sup>d</sup> 1780

Met according to adjournment.

*Resolved* that a Committee of two be appointed to return the thanks of this House to the Reverend M<sup>r</sup> David Avery for the Election Sermon he preached at the opening of this Session and desire a copy thereof for the press—The members chosen are M<sup>r</sup> S. Robinson and M<sup>r</sup> [Ebenezer] Walbridge.

Adjourned half an hour.

Met according to adjournment.

A petition signed William Williams Zadock Granger, and Company which was referred from the last Session of Assembly, was read; and referred to the Committee appointed to take into consideration ungranted lands; and the several petitions filed in the Secretary's office &c to make report to this House.

Maj<sup>r</sup> Gideon Olin a Representative from Shaftsbury appeared, took the necessary oaths &c to qualify him to a seat in this House.

Adjourned until two o'clock afternoon.

Met according to adjournment.

An Act entitled "An Act to empower Commissioners of Sales of Confiscated Estates to disseize, or dispossess intruders upon Confiscated Estates, was read, and *ordered* to ly on the table.

The petition of Asaph White which was referred from the last Session of Assembly was read and

*Ordered*,

That a Committee of three to join a Committee from the Council be appointed to take the matter of said petition into consideration and make report to this House—The Members chosen M<sup>r</sup> [Samuel] Bartlet, M<sup>r</sup> J. Smith and M<sup>r</sup> [Gideon] Olin.

<sup>1.</sup> See State Papers of Vermont, Vol. 2, pp. 37-39, 276-277. Jacob Davis was also one of the proprietors of Montpelier and one of the most influential of its early residents.

Sundry letters from Gen<sup>l</sup> [Ethan] Allen directed to Gov<sup>r</sup> Chittenden dated Head Quarters Castleton 22<sup>d</sup> Oct<sup>r</sup> 1780 were read.

Adjourned until tomorrow morning 8 o'clock.

TUESDAY Oct<sup>r</sup> 24<sup>th</sup> 1780

Met according to adjournment.

A petition signed by a number of the inhabitants of Wilmington was read.

An Act entitled an Act for dividing the fourth regiment and forming a seventh was read, passed and sent up for concurrence.

A petition signed by a number of the proprietors of Clarendon was read.

Lieut. Asaph White desired leave to withdraw his petition and present a new one—Granted:—and,

*Resolved* that a Committee of three to join a Committee from the Council be appointed to take said petition into consideration and make report to this House—The members chosen Mr [Samuel] Bartlet Mr [Reuben] Jones and Mr [William] Williams.

*Resolved* that a Committee of three be appointed to prepare a bill for the better promulgating the laws and proclamations &c. to the several towns in this State. The Members chosen Mr A. Robinson Mr [Eli] Petibone and Mr [Abraham] Jackson.

Adjourned until 2 oClock afternoon.

Met according to adjournment.

The Committee to whom was refered the petition of Lieut. Asaph White brought in the following report viz. that,

WHEREAS Lieut. Asaph White has petitioned this Assembly for the priviledge of building a toll bridge over Deerfield river, so called, in Reedsborough [Readsboro] on a road leading from Bennington to Deerfield [Mass] and a license to keep a tavern near said bridge: Therefore,

*Resolved* that in consideration the said Asaph White shall build a good bridge over said bridge at the place aforesaid to be compleated by the first day of December 1782 he the said White his heirs &c shall be entitled to receive a toll of all who shall pass over said bridge (said White keeping and maintaining said bridge in good repair) at the following rate viz for each footman two pence; for each man and horse four pence; for each team one shilling lawful money; which said rates the said White &c. shall receive as aforesaid, until this State or the town where said bridge is built shall pay and satisfy said White for building the same including the money that shall be received as toll—which said toll at the rates aforesaid the said White &c. shall recover of the respective passengers by distress or action of debt.—And the said White &c. are hereby allowed to keep a tavern or public house of entertainment at or near said bridge so long as he or they shall maintain and keep the same

in repair: and subject themselves to the rules and regulations of the laws of this State.

The Committee appointed to prepare a bill to get the laws and proclamations printed and promulgated brought in their report which was read and dismissed.

*Whereas* there is no legal way pointed out to get the laws and proclamations printed and promulgated among the several towns in this State.

Therefore,

*Resolved* that the Secretary be and hereby is authorized and directed to get the several Acts passed by the General Assembly in their Sessions; and the several Proclamations issued by the Governor immediately printed after their passing and as soon as they can be obtained from the press to forward them to each settled town within this State, upon the cost of the State.

*Resolved* that a Committee of five be appointed to join a Committee from the Council to take into consideration the necessity of dividing the County of Bennington into two distinct Counties and report to this house—The members chosen M<sup>r</sup> [Gideon] Olin, M<sup>r</sup> [William] Fitch, M<sup>r</sup> [Ebenezer] Drury M<sup>r</sup> [William] Ward 2<sup>d</sup> and M<sup>r</sup> E. Smith.

Adjourned until tomorrow morning 8 oClock.

WEDNESDAY Oct<sup>r</sup> 24<sup>th</sup> [25<sup>th</sup>] 1780

Met according to adjournment.

The Committee appointed to take into consideration the ungranted lands and the several petitions filed in the Secretarys office sent the following request to the House viz.

"Your Committee having made considerable advancements in the business of their appointment have found it necessary to take the sence of the Committee in what manner the several locations made by virtue of the Authority of New York since the Kings prohibition shall be considered. Who are unanimously of the opinion that they ought not to be considered as a sufficient bar against granting the same to other respectable and worthy petitioners; they therefore wish to know the sense of the Assembly on this subject that they may govern their future conduct in the premises accordingly.

"by order of Com<sup>ttee</sup> PAUL SPOONER Ch<sup>m</sup>"

Which Request was read and thereupon,

*Resolved* Unanimously, That, the several locations made by virtue of the authority of New York since the Kings prohibition be and is hereby considered not a sufficient bar against granting the same to respectable and worthy petitioners.

1. Referring to the New York grants made within the present limits of Vermont.

A petition signed Mercy Robinson was read, and refered to a Committee of three to join a Committee from the Council and make report—The members chosen Mr [Benjamin] Whipple, Mr [Gideon] Olin and Mr [Edward] Harris.

An Act entitled An Act for the purpose of procuring provision<sup>1</sup> for the troops in the service of this State the year ensuing; passed and sent up for concurrence.

Adjourned until 2 o'clock afternoon.

Met according to adjournment.

An Act entitled "an Act to quiet Ancient Settlers" was read and ordered to ly on the table.

A petition signed by Col<sup>o</sup> Seth Warner and Lieut. Col<sup>o</sup> Sam<sup>l</sup> Safford was read, and the consideration thereof refered until Friday next 8 o'clock in the morning.

Adjourned until tomorrow morning 8 o'clock.

THURSDAY Oct<sup>r</sup> 26<sup>th</sup> 1780

Met according to adjournment.

Sundry letters from Gen<sup>l</sup> [Ethan] Allen Col<sup>o</sup> [Samuel] Herrick and Capt. [Jesse] Sawyer were read giving an account of the Enemy's approaching towards our frontiers, Therefore

*Resolved*, as the present alarm<sup>2</sup> requires the assistance of a large number of the members for the purpose of joining the army or taking care of their families which are in immediate dangers, that this Assembly be adjourned until Monday next—And that the several Members who stay at this place are hereby appointed a Committee to join a Committee from the Council when necessary to prepare business to lay before the House at their opening and all matters that are refered for a hearing this week are refered until the opening of the Assembly.

Adjourned until next Monday morning 10 o'clock in the forenoon.

MONDAY OCT<sup>r</sup> 30<sup>th</sup> 1780

Met according to adjournment and there not being a quorum of the House present, adjourned until 2 o'clock afternoon.

Met according to adjournment; and there not being a quorum of the House present adjourned until tomorrow morning 8 o'clock.

1. See Slade's Vermont State Papers, pp. 407-411, for text of act. It provides that the towns of the State shall provide in the aggregate, 72,781 pounds of beef, 36,389 pounds of pork, 218,309 pounds of wheat flour, 3,068 bushels of rye, 6,125 bushels of Indian corn. A table is appended giving the quotas for sixty-four towns, which does not include towns abandoned during the war.

2. At this time there was a British force on Lake Champlain and a band of Indians had recently made a raid upon Royalton and other towns in its vicinity.

Met according to adjournment.

Several Letters were laid before the Assembly by the Governor, particularly one from Gen<sup>l</sup> Haldimand<sup>1</sup> of Canada dated at Quebec Oct<sup>r</sup> 22<sup>d</sup> 1780 directed to Gov<sup>r</sup> Chittenden; one from Maj<sup>r</sup> Ch<sup>r</sup> Carleton commanding a party of the British &c. dated at Crown Point Oct<sup>r</sup> 26<sup>th</sup> 1780 directed to Gen<sup>l</sup> Allen both of which contained proposals to settle a Cartel for exchanging prisoners, likewise a copy of a letter from Gen<sup>l</sup> Allen directed to Col<sup>o</sup> Webster dated Castleton 29<sup>th</sup> Oct<sup>r</sup> 1780—a copy of a letter from Gen<sup>l</sup> Allen to Maj<sup>r</sup> Allen—and a copy of a letter from Gen<sup>l</sup> Allen to Maj<sup>r</sup> Carleton, were read.

Likewise the Governor informed the House that he had wrote to Gen<sup>l</sup> Haldimand by advice of his Council makeing proposals to exchange prisoners, which occasioned the letters from Gen<sup>l</sup> Haldimand & Maj<sup>r</sup> Carleton &c whereupon

*Resolved* that this Assembly do approve of the Capt. Gen<sup>l</sup> and Commander in chiefs makeing proposals to his Excellency Gov<sup>r</sup> Haldimand for settling a Cartel for the exchange of Prisoners, and further advise and recommand to him to appoint and impower some suitable person or persons to further negociate the settlement of a Cartel with Maj<sup>r</sup> Carleton agreeable to Gen<sup>l</sup> Haldimands proposals for that purpose.

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1. Gen. Frederick Haldimand, Governor General of Canada, had served in the German, Dutch and British armies. He had seen service in the French and Indian war, and was stationed at New York from 1773 to 1775 and thus became familiar with the land controversy between New York and the people in the New Hampshire Grants. "The Haldimand negotiations" so-called, constitute an important chapter in Vermont history. Ostensibly these negotiations related to the exchange of prisoners. Really the British authorities in Canada, knowing the hostility of neighboring colonies to Vermont and the indifference or opposition of the Continental Congress to Vermont's claims, by very plausible offers sought to detach this State from the American cause and make it a province of the British empire. Vermont as a British province, and commanding the strategic Champlain valley, would have been a constant menace to New England and New York. Only a few of the Vermont leaders were familiar with the details of these negotiations. They were conducted for Vermont very largely by Ira Allen. So skilfully did he play upon the hopes and fears of the British officials that he continued the negotiations until the end of the war. The correspondence shows that the British at times suspected that they were being duped, but they were never sufficiently satisfied that this was true to bring them to a point where relations were suspended. Many Vermonters, particularly the Connecticut valley leaders, were suspicious that all was not well, and Vermont's enemies in New York and elsewhere endeavored to cast suspicion upon the patriotism of the Vermont leaders. As a result of this affair the British army in Canada was kept idle, thus protecting not only the Vermont but the New York frontiers, and the justice of Vermont's cause seemed more important to Congress when there was a possibility that the region might be lost to the United States.

There never was any thought of disloyalty on the part of the Vermont leaders. Vermont never could have been led into the British camp. This was a strategic move, delicate, difficult and dangerous, made only to protect Vermont in a desperate situation. It served the purpose intended and Vermont was saved. Documentary evidence abundantly proves the loyalty of Ira Allen, Governor Chittenden and their associates.—Governor and Council, Vol. 2, pp. 47-50, 396-482; Crockett's History of Vermont, pp. 311-344; Vermont Historical Society Collections, Vol. 2, pp. 59-392.

*Resolved* that the Capt. Gen<sup>r</sup> be and hereby is requested to discharge the Militia and Volunteers raised for the defence of the Northern frontiers.

Adjourned until 2 oClock afternoon.

Met according to adjournment.

The Committee appointed to prepare business in the recess of the House brought in the following report viz.

"<sup>1<sup>st</sup></sup> A Bill for dividing the County of Cumberland.

<sup>2<sup>d</sup></sup> A Bill for dividing the Probate District of Windsor into two Probate Districts.

<sup>3<sup>d</sup></sup> An Act in addition to an Act entitled An Act for making and repairing public highways.

<sup>4<sup>th</sup></sup> An Act directing County Elections."

signed "AMOS ROBINSON Ch<sup>m</sup>"

An Act entitled "An Act in addition to an Act entitled an Act for makeing and repairing public Highways," was read, passed and sent up for concurrence.

An Act entitled "an Act to impower an Assistant or Justice of the Peace to warn town meetings" was read, passed and sent up for concurrence.

*Resolved* that a Committee of five be appointed to prepare a Bill for dividing the Militia of this State into two Brigades and make report—The members chosen, M<sup>r</sup> [Abner] Seelye, M<sup>r</sup> A. Robinson, M<sup>r</sup> [William] Williams M<sup>r</sup> J. Smith and M<sup>r</sup> [Eli] Petibone.

Adjourned until tomorrow morning 8 oclock.

## WEDNESDAY Nov<sup>r</sup> 1<sup>st</sup> 1780

Met according to adjournment.

An Act entitled an Act for dividing the militia of this State into two Brigades was read, passed and sent up for concurrence.

An Act entitled "an Act directing what money and Bills of credit shall be legal currency in this State" was read, passed and sent up for concurrence.

An Act entitled "An Act in addition to an Act entitled an Act directing and regulating the levying and serving executions" was read, passed the house and sent up for concurrence.

An Act entitled an Act

was read, passed and sent up for concurrence.

Several letters from Col<sup>o</sup> Udney Hay<sup>1</sup> D. C. G. Purchases directed to Gov<sup>r</sup> Chittenden was read; and refered to a Committee of three to

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1. Colonel Hay was a Deputy Commissary General of Purchases for the Northern Department of the Continental army.—Governor and Council, Vol. 2. pp. 48-50; see also p. 148 of this volume.

make report—The members chosen Mr [Reuben] Jones, Mr [Matthew] Lyon and Mr [William] Williams.

A letter from Gov<sup>r</sup> Clinton<sup>1</sup>, one from, Col<sup>o</sup> [Alexander] Webster, and one from Col<sup>o</sup> [Samuel] Fletcher directed to Gov<sup>r</sup> Chittenden were read.

An Act for recovery of cost in cases therein named was read, and referred til afternoon.

Adjourned until 2 o'clock afternoon.

Met according to adjournment.

An Act entitled “an Act for recovery of costs in cases therein named,” was read and referred until tomorrow morning.

An Act entitled “An Act for dividing the County's of Bennington and Cumberland<sup>2</sup> and establishing the lines of the several Counties therein named” was read passed and sent up for concurrence.

A petition signed Witherel Wittum, Malachi Wittum and Witherel Wittum Jun<sup>r</sup> was read, and,

*Ordered,*

That a Committee of three be appointed to enquire into the matter of the complaint as exhibited in said petition and make report to this or the next Session of Assembly. The Committee chosen are Col<sup>o</sup> Nath<sup>l</sup> Brush Mr Simeon Hathaway & John Fassett Esqr<sup>r</sup>.

An Act entitled An Act directing County Elections,<sup>3</sup> was read, passed and sent up for concurrence.

An Act entitled an Act in addition to an Act entitled an Act for forming and regulating the Militia &c was read and

*Ordered,*

That a Committee of three be appointed to make such necessary alterations as they shall judge best in the aforesaid Act and make report —The members chosen Mr [Ebenezer] Walbridge Mr [Reuben] Jones and Mr [Stephen] Pearl.

*Resolved* that a Committee of five be appointed to confer with Col<sup>o</sup> Warner and Lieut. Col<sup>o</sup> Safford upon the matter of their petition and report to this House—The members chosen are Mr [William] Fitch, Mr [Stephen] Pearl, Mr [William] Williams, Mr [Gideon] Ormsby and Mr [Reuben] Jones.

Adjourned until 8 o'clock tomorrow morning.

1. Colonel Webster asked for aid and quoted Governor Clinton of New York as authority. Governor Clinton indignantly denied that he made such a request.—Vermont Historical Society Collections, Vol. 2, pp. 51, 67.

2. In February, 1781, the Legislature divided Cumberland County into Windham, Windsor and Orange Counties and Bennington County into Bennington and Rutland Counties.—Governor and Council, Vol. 2, p. 82; Hemenway's Gazzeteer, Vol. 2, p. 395 and Vol. 5, p. 17.

3. See p. 199; also Slade's Vermont State Papers, pp. 421-422 for text of act directing the holding of an election for the choice of county officers.

THURSDAY Nov<sup>r</sup> 2<sup>d</sup> 1780

Met according to adjournment.

*Resolved* that a Committee of three be appointed to prepare a Bill to empower Commissioners to Liquidate and adjust all accounts with the Treasurer<sup>1</sup>, Court of Confiscation and other officers &c belonging to the State that have accounts unsettled. The members chosen M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> A. Robinson and M<sup>r</sup> [William] Ward 2<sup>d</sup>

The Committee appointed to take into consideration the petition of the Widow Mercy Robinson brought in the following Report viz.

"That we find due to the Estate of Sam<sup>l</sup> Robinson Esq<sup>r</sup> late of Bennington deceased for money expended in prosecution of his appointment at the Court of Great Britain<sup>2</sup> one hundred and ten pounds L. [lawful] Money and that he was about twelve months in said Service for which service we think it reasonable he be allowed sixty five pounds which makes in the whole £175.

TIM<sup>o</sup> BROWNSON Ch<sup>m</sup>"

The aforesaid Report was read and not accepted.

An Act entitled "An Act to empower the Commissioners of sale of Confiscated estates to disseize or dispossess intruders upon confiscated Estates" was read, passed and sent up for concurrence.

The Committee to whom was referred the papers &c of Col<sup>o</sup> Hay D. C. G. Purchases brought in the following report viz.

"That they have examined said papers and also conferred with Col<sup>o</sup> Hay thereon and find that he is appointed by the Continental Commissary General to purchase provisions in the New Hampshire Grants:

"And that it is the opinion of your Committee that Col<sup>o</sup> Hay by coming to this State and making application to the Legislature thereof has missed his instructions:

"And that it is further the opinion of your said Committee that (considering the imbarraiments this State lies under with regard to the claims of other States and the jurisdiction assumed over it; considering also the large supply of provisions already granted for the troops to be in the service of this State the year ensuing; should we suppose this State could be called the New Hampshire-Grants<sup>3</sup> which is by no means admissible) the Legislature of this State ought not to undertake to supply Col<sup>o</sup> Hay with the beef required.

Your Committee would remind the House that there is no law that prevents Col<sup>o</sup> Hay from purchasing what provisions he pleases in this State for the use of the Continent, and transporting the same where he thinks proper for that purpose."

signed "M. LYON Ch<sup>m</sup>",

1. See pp. 163-164 for memorial from Ira Allen asking for a settlement of accounts.

2. See Ethan Allen's "Vindication," Governor and Council, Vol. 1, p. 445, for reference to Samuel Robinson's mission to England; Crockett's History of Vermont, Vol. 1, pp. 294-299. Mr. Robinson died in England, Oct. 27, 1767.

3. Note the care with which the rights of the State were guarded and the refusal to recognize officially an officer who did not recognize Vermont, the State.

The aforesaid Report was read and accepted.  
Adjourned until 2 o'clock afternoon.

Met according to adjournment.

An Act entitled "An Act for stating fees<sup>1</sup> was read, passed and sent up for concurrence.

The Committee appointed to take into consideration Ungranted lands and the several petitions filed in the Secretary's office &c brought in a Report which was read, and thereupon,

*Resolved* that there be and hereby is granted unto the hon<sup>ble</sup> Jonathan Arnold<sup>2</sup> Esq<sup>r</sup> the officers of the Rhode Island line and Company as annexed to the petition being sixty in number a township of land by the name of LYNDEN<sup>3</sup> [Lyndon] situate and lying in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> mark'd N<sup>o</sup> 25 (provided the said described and marked tract aforesaid shall on examination be found to include the upper great falls on Massumsick (alias Passumsick) [Passumpsick] river; but if not, said township to be bounded so as to include said falls if said falls be found to be contained in the now vacant or unappropriated lands as appears by said plan) containing twenty three thousand and forty acres. And the Gov<sup>r</sup> and Council are hereby requested to issue a grant or Charter of incorporation of said tract by the name of Lynden [Lyndon] to the said Arnold and Company under such restrictions, reservations and for such conditions as they shall judge best for the benefit of the State.

The Committee appointed to take into consideration the ungranted lands and the several petitions filed in the Secretary's office &c brought in a report which was read and rejected Thereupon

*Resolved* that there be and hereby is granted unto Aaron Stores [Storrs] & sixty eight of his Company whose names are annexed to the said petition a township of land situate and lying in this State being part of the tract called Middlesex bounded as follows viz. as drew on the Charter or plan exhibited by the Surveyor General and marked N<sup>o</sup> 4 containing six miles square. And the Governor and Council are hereby requested to issue a grant or charter of said tract by the name of RANDOLPH<sup>4</sup> unto the said Stores [Storrs] and Company being sixty eight in number, under such restrictions reservations and for such considerations as they shall judge best.

Adjourned until 8 o'clock tomorrow morning.

1. This act revising fees was made necessary by the depreciation of Continental currency.—Slade's Vermont State Papers, pp. 398-402.

2. Dr. Jonathan Arnold was a surgeon with the Rhode Island troops in the Revolutionary war, who settled later in St. Johnsbury. A son, Josiah Lyndon Arnold, may have given his name to the township of Lyndon.—Governor and Council, Vol. 2, p. 51.

3. See State Papers of Vermont (Vermont Charters) Vol. 2, pp. 129-132, 318, for charter of and references to Lyndon.

4. A township granted by New York in 1770 as Middlesex, included a part of the town of Randolph.—State Papers of Vermont (Town Charters), Vol. 2, pp. 162-163, 338.

FORMERLY  
CALLED  
MIDDLESEX  
ALIAS  
RANDOLPH

FRIDAY Nov<sup>r</sup> 3<sup>d</sup> 1780

Met according to adjournment.

A petition from the Trustees of Clio<sup>r</sup> Hall signed by his Excellency Thomas Chittenden Esq<sup>r</sup> president and attested by Isaac Tichenor Esq<sup>r</sup> Secretary was read and

*Ordered,*

That the prayer thereof be granted and that a Bill be brought in accordingly.

An Act entitled "an Act to make the Trustees of Clio Hall a body politic and corporate in Law" was read passed and sent up for concurrence.

An Act entitled "An Act directing what money judgments of court shall be given in this State, was read passed and sent up for concurrence.

WHEREAS Ira Allen Esq<sup>r</sup> Surveyor General did (by three several advertisements in the public papers, one of which was in June 1779) request every person that was possessed of any grant or charter of land in this State that was legally executed previous to the present revolution, that they should send them into his office that they might be recorded<sup>2</sup> and returned to the several owners to the end that the grantees might be secured in their property, and the Surveyor General enabled to make a map of the lands granted. And

WHEREAS, sundry persons have neglected to send in such charters, and several disputes having arose between towns respecting boundary lines which cannot be settled until the town lines be preambulated and established by the Assembly on which such towns are bounded—Therefore,

*Resolved* that, whatsoever tract of land of which charters, or grants, or attested copies thereof are not exhibited to the Surveyor Generals office on or before the first day of May next will be considered by this State as vacant lands, so far as any town line may be established on any such town or towns for want of such Charter, as also so far as any grant from this State may interfere with any such town or towns—nevertheless it is provided that in case of any charters being burnt, or lost and no attested copy thereof to be exhibited; that then in such case sufficient evidence being produced to the Secretary of this State and lodged in his office proving that there was such charter or charters specifying the bounds of such grant the names of such grantees and which corner the Governors lot was in, shall have a confirmation of such grant free of any granting fees—provided such evidence and application be made by the first day of May next—and the Surveyor General is directed

1. This was the first Academy incorporated in Vermont.

2. It will be seen that while the outcome of the Revolutionary War was still doubtful, and the fate of Vermont was uncertain, Ira Allen endeavored to aid the people of the State in removing the uncertainty which existed regarding land titles, a cause of unrest, resulting in much vexatious litigation.

to cause this Resolution to be published in several public newspapers as soon as may be.

Adjourned until 2 o'clock afternoon.

Met according to adjournment.

A Remonstrance signed William Hutchins was handed to the Speaker and,

*Ordered,*

That the consideration and hearing of said Remonstrance<sup>1</sup> be referred until tomorrow morning nine o'clock and that Gen<sup>l</sup> [Ethan] Allen be served with a copy of said remonstrance and this Resolve.

An Act entitled "an Act Stating fees" was read, passed and sent up for concurrence.

The Committee appointed to take into consideration the petition of Col<sup>o</sup> Warner & Lieut. Col<sup>o</sup> Safford brought in the following report viz.

"That it is the opinion of your Committee that Col<sup>o</sup> Seth Warner be paid fifty pounds L. [lawful] Money and all officers and soldiers of said Regiment that were inhabitants of this State when they engaged in said Reg<sup>t</sup> in proportion to their Continental pay as part of the depreciation of the wages of said Reg<sup>t</sup>

"And that a Committee be appointed by this Assembly to confer with a Committee of the officers of said Reg<sup>t</sup> and see what is due to the officers and soldiers of said regiment and report to the next Session of this Assembly that the State may be enabled to settle with said Regiment.

"Signed p<sup>r</sup> Order

"TIM<sup>o</sup> BROWNSON Ch<sup>m</sup>"

The aforeaid Report was accepted; and *Ordered*,

That a Committee of three be appointed for said purpose—The Members chosen M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> S. Robinson and M<sup>r</sup> [Gideon] Ormsby.

A petition signed by a number of the inhabitants of Wilmington was read; and referred to the next Session of Assembly.

*Resolved* that a Committee of three be appointed to redraught the instructions to the Board and make such necessary alterations as they shall judge best.—The members chosen M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> [Reuben] Jones and M<sup>r</sup> [Abraham] Jackson.

An Act entitled an Act against Enemical<sup>2</sup> conduct was read, passed and sent up for concurrence.

1. See pp. 175 and 176; also Vermont Historical Society Collections, Vol. 2, pp. 78-80.

2. This act was intended to apply to the "many persons who are enemies to the liberties of this and the United States of America [who] are continually using their utmost exertions to discourage and dishearten the good friends to the liberties aforesaid by making and spreading false news, and speaking diminutively of the proceedings of the friends aforesaid;" also to any person who by speaking any word or doing any act or thing likely to have "a direct or indirect tendency to discourage the good people of this State from nervously exerting themselves in the cause of this country." The punishment provided was a fine, not exceeding ten pounds; whipping not exceeding ten stripes; or imprisonment, not exceeding twelve months. Any one or all of these penalties might be imposed.—Slade's Vermont State Papers, pp. 413-414.

An Act entitled "An Act for the purpose of procuring provisions for the troops to be employed in the service of this State the year ensuing" was read passed and sent up for concurrence.

An Act entitled "an Act for the better regulating processes in actions of trover and conversion," was read passed the house and sent up for concurrence.

Adjourned until tomorrow morning eight o'clock.

### SATURDAY Nov<sup>r</sup> 4<sup>th</sup> 1780

Met according to adjournment.

An Act entitled "An Act in addition and alteration of an Act entitled an Act for forming and regulating the Militia &c." is refered to the next Session of Assembly.

An Act entitled "an Act to enable assignees, or indorsers of negotiable notes to maintain action thereon as on in land bills of exchange, or as though such notes were taken in his her or their own name" was read passed and sent up for concurrence.

An Act entitled "An Act to Libel Confiscated Estates" was read, passed, and sent up for concurrence.

*Resolved* that a Committee of three be appointed to make such necessary alterations in the Act entitled "An Act for forming and regulating the Militia &c" as they shall judge best and report to the next Session—The members chosen M<sup>r</sup> [Stephen] Pearl M<sup>r</sup> [Matthew] Lyon and M<sup>r</sup> [Gideon] Ormsby.

The remonstrance of Capt. Hutchins which was refered to this day was read and after some debate was dismissed: after which Gen<sup>l</sup> [Ethan] Allen made a speech in the House to the Assembly in which he observed there was uneasiness among some of the people upon account of his command &c. and that he would resign his Commission and if the Assembly thought best to give him the command at any time he would endeavour to serve the State according to his abilities &c.

*Resolved* that a Committee of five be appointed to take into consideration the Act entitled "An Act directing County Elections" and make such alterations as they shall judge necessary and make report—The members chosen M<sup>r</sup> [William] Ward 2<sup>d</sup> M<sup>r</sup> [Elihu] Smith, M<sup>r</sup> [Gideon] Olin, M<sup>r</sup> [Ebenezer] Walbridge and M<sup>r</sup> [Reuben] Jones.

An Act entitled "An Act to divide the County's of Bennington and Cumberland<sup>1</sup> and establishing the lines of the Counties therein mentioned" was sent back from the Council with a request that it might be printed for the perusal of the people and not put into execution until the rising of the Assembly in their next Session and thereupon

*Ordered*,

That said Act be printed accordingly.

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1. See note p. 147.

An Act entitled "An Act to divide the Militia of this State into two Brigades was sent back from the Council requesting that it might be printed for the consideration of the people and not to be put into execution until the rising of the Assembly in their next Session; and thereupon

*Ordered,*

That said Act be printed accordingly.

A petition signed by Capt. Abner Seelye and Lieut. John Powel was read setting forth that the towns of Thedford [Thetford] and Strafford did raise 12 men who were commanded by Lieut. Powel for the space of one month to guard the frontiers &c for which they have received no pay and desire that this Assembly would grant them the same pay as other men that are in the States Service &c; granted and

*Ordered,*

That a Bill be brought in accordingly.

An Act entitled "An Act for recovery of cost in cases therein named" was read and dismissed.

The Committee appointed to prepare a bill empowering Commissioners to examine and adjust all public accounts brought in a Bill for that purpose which was read, passed and sent up for concurrence.

Adjourned until 2 oClock afternoon.

Met according to adjournment.

*Resolved* that this Assembly will take the matter of the Remonstrance signed Simeon Hathaway for himself and others into consideration at some convenient time.

A request signed by Col<sup>o</sup> Ira Allen Surveyor Gen<sup>l</sup> was read, and

*Ordered,*

That it be granted in full. (See page )

The following is a Report of the Land office Committee viz.

"To the Hon<sup>ble</sup> the General Assembly of the State of Vermont at Bennington convened.

"Your Committee appointed to take into consideration the unappropriated land within this State, and the several petitions found filed in the Secretary's office for the same lands, having by the multiplicity of such petitions, and the several alarms which have happened since their appointment taken up much time in the examination thereof, and having found on examination of the plan returned by the Surveyor General that it is impracticable at this time, to grant the prayer of each petition, partly for want of proper Surveys, and partly as your Committee conceive for want of unappropriated lands [in] this State whereon to make such grants; Beg leave to Report to the House as their opinion viz.

[EDEN] "That N<sup>o</sup> 48<sup>1</sup> as described on the plan be granted to Col<sup>o</sup> Seth Warner and his Reg<sup>t</sup> agreeable to a former Resolution of the Gen<sup>l</sup> Assembly.

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1. See Governor and Council, Vol. 2, pp. 52-59, for reference to this and other towns immediately following.

[WILLIAMS-TOWN] "That a Grant be made to Capt. Sam<sup>t</sup> Clark M<sup>r</sup> Absalom Baker and Company to the number of 75 of the tract as described on the plan mark N<sup>o</sup> 13.

[ROCHESTER] "That a grant issue to Asa Whitcomb Esq<sup>r</sup> and Company to the Number of 64 for the tract as described in the plan marked N<sup>o</sup> 3.

[WASHINGTON] "That a grant be made to Mess<sup>rs</sup> Daniel Spooner, Steel Smith, Capt. Elisha Burton and Company to the N<sup>o</sup> of 62 for the tract as described on the plan marked N<sup>o</sup> 12.

[HARDWICK] "That a Grant be made to Col<sup>o</sup> Danforth Kyes, M<sup>r</sup> Eliakim Spooner and Company to the N<sup>o</sup> of 63 for the tract as described on the plan marked N<sup>o</sup> 23.

[BROOKFIELD] "That a Grant issue to M<sup>r</sup> Phinehas Lyman and 64 his Associates including the present actual settlers of the tract as described on the plan marked N<sup>o</sup> 9.

[HYDE PARK] "That a Grant issue to Capt. Jedidiah Hyde, William Denison Esq<sup>r</sup> and Company to the N<sup>o</sup> of 63 for the tract as described on the plan N<sup>o</sup> 45.

[LITTLETON] "That a Grant issue to Wilbe Butterfield and Company being 64 in number for the tract as described on the plan marked N<sup>o</sup> 26.

[WATERFORD] [TURNERS-BURGH] "That a Grant be made to Bela Turner Esq<sup>r</sup> and Company being 64 in number for the tract as described on the plan marked N<sup>o</sup> 8.

[CHELSEA] [KINGSTON] "That a Grant be made to Mess<sup>rs</sup> Reuben King, Shelden Graham and Company to the N<sup>o</sup> of 63 for the tract as described on the plan marked N<sup>o</sup> 6.

[MINDEN] [CRAFTSBURY] "That a Grant be made to Col<sup>o</sup> Timothy Newell, M<sup>r</sup> Ebenezer Craft and Company to the N<sup>o</sup> of 63 for a tract of land as described on the plan marked 37.

[BRAINTREE] "That a Grant issue to Mess<sup>rs</sup> Jonathan Temple,——Spear, Nathan Putnam, Levi Davis and Company to the N<sup>o</sup> of 61 for the tract as described on the plan marked N<sup>o</sup> 5.

[CONCORD] "That a Grant be made to Doct<sup>r</sup> Reuben Jones and Company to the N<sup>o</sup> of 64 for the tract as described on the plan marked N<sup>o</sup> 27.

[WALDEN] "That a Grant issue to Capt. Rossiter Griffen and Company being 64 in number for the tract as described on the plan marked N<sup>o</sup> 22.

[GROTON] "That a Grant be made to Lieutenant Thomas Butterfield and Company being 64 in number for the tract as described on the plan marked N<sup>o</sup> 17.

[CAMBRIDGE] "That a Grant be made to Samuel Robinson Esq<sup>r</sup> and Company to the N<sup>o</sup> of 64 for the tract as described on the plan marked N<sup>o</sup> 47.

[STERLING] "That a Grant be made to Maj<sup>r</sup> Joseph Tyler and Company to the N<sup>o</sup> of 64 for the tract as described on the plan marked N<sup>o</sup> 46.

[VERSHIRE] "That a Grant be made to Capt. Abner Seelyc and Company to the N<sup>o</sup> of 64 for the tract as described on the plan marked N<sup>o</sup> 7.

[CABOT] "That a Grant be made to Capt. Jesse Leavensworth and Company being 64 in N<sup>o</sup> of the tract as described on the plan N<sup>o</sup> 21.

[WOODBURY] "That a Grant be made to Col<sup>o</sup> Ebenezer Wood, M<sup>r</sup> —— Lyman

and Company to the N° of 63 for the tract as described on the plan marked N° 20.

[CALDERS-  
BURG]  
(MORGAN)  
[ELMORE]  
(No. 35)  
[WOLCOTT]  
(No. 36)

"That a Grant be made to Col° Jedidiah Elderkin and Company to the N° of 64 for the tract as described on the plan marked N° 33.

[GREENS-  
BORG]  
[WILDERS-  
BURG]  
(BARRE)

"That a Grant be made to Col° Sam<sup>1</sup> Elmor, [Elmore] Maj<sup>r</sup> Will<sup>m</sup> Goodrich, Capt. Joshua Stanton and Company being 127 in number for the two tracts as described on the plan marked N° 35 and N° 36.

[GREENS-  
BORG]

"That a Grant be made to Captain Harris Colt and Company being 64 in number for the tract as described on the plan marked N° 24.

[WILDERS-  
BURG]

"That a Grant be made to Col° W<sup>m</sup> Williams and Company to the N° of 64 for the tract as described on the plan mark'd N° 16.

[SHEFFIELD]

"That a Grant be made to Col° Andrew Adams, Mr Stephen Kingsbury and Company to the N° of 63 for the tract as described on the plan marked N° 34.

[PITTSFIELD  
(No. 1)]  
[HANCOCK  
(No. 2)]  
[NAVY]  
(CHARLES-  
TON)

"That a Grant issue to Lieut.——Wilcox Deacon Kinney, Deacon——Wright and Company to the N° of 127 for the two tracts as described on the plan N° 1 and 2.

[EAST  
HAVEN]

"That a Grant be made to Comodore Whipple of Rhode Island and Company to the N° of 64 for the tract as described on the plan marked N° 32.

[VICTORY]

"That a Grant be made to Mr Timothy Andrus and Company to the N° of 30 to Beach Tomlinson,——Bishop and Company to the N° of 32 for the tract as described on the plan marked N° 29.

[RANDOM]  
(GILEAD)  
[R BRIGHTON)

"That a Grant issue to Capt. Ebenezer Fisk and Company to the N° of 64 for the tract as described on the plan marked N° 28.

[ROXBURY]

"That a Grant be made to Capt. Elihu Mervin and Company to the N° of 64 for the tract as described on the plan marked N° 31.

[NORTH-  
FIELD]

"That a Grant be made to Capt. William Chaplin, Benjamin Emmons Esq<sup>r</sup> and Company being 63 in number, for the tract as described on the plan marked N° 10.

[WARREN]

"That a Grant be made to Maj<sup>r</sup> Joel Matthews, Capt. William Gallop and Company being 63 in number for the tract as described on the plan marked N° 14.

[NEWARK]

"That a Grant be made to the hon<sup>ble</sup> John Throop Esq<sup>r</sup> Capt. Steel Smith and Company to the N° of 63 for the tract as described on the plan mark'd N° 11.

[WESTFORD]  
(WESTMORE)

"That a Grant be made to Capt. Sam<sup>1</sup> Hurlburt, Mr Isaac Andrus and Company to the N. of 63 for the tract as described on the plan marked N° 30.

[GATES-  
BOROUGH]  
(SALEM OR  
DERBY)

"That a Grant be made to Maj<sup>r</sup> Ab<sup>m</sup> Shedwick, [Sedgwick] Capt. Uriah Seymour and Company to the N° of 63 for the tract as described on the plan marked N° 42.

[MORRIS-  
TOWN]

"That a Grant be made to Maj<sup>r</sup> Amos Jones, Mr Ebenezer Backus, Capt. Gates and Company being 62 in number for the tract as described on the plan mark'd N° 43.

"That a Grant issue to Mr Moses Morse & Company being 64 in number for the tract as described on the plan, mark'd N° 44.

[ORANGE] "That a Grant be made to Amos Robinson Esq<sup>r</sup> Capt. —— Green and Company to the N<sup>o</sup> of 63 for the tract as described on the plan marked N<sup>o</sup> 15.

"That a Grant issue to Maj<sup>r</sup> Elias Buel<sup>1</sup> and Company for the following gore or tract of land situate between the towns of Shorum, [Shoreham] Orwell, Hubberton, [Hubbardton] Sudbury & Whiting so as to allow to each 320 acres or thereabouts.

[JACKSON'S GORE] (MOUNT HOLLY) "That a Grant be made to M<sup>r</sup> Ab<sup>m</sup> Jackson and his Associates of a gore of land bounded north on Shrewsbury, East on Ludlow, west on and adjoining to Wallingford south on vacant land so as to contain 9600 acres or thereabouts."

*Ordered,*

That this last grant made to M<sup>r</sup> Abraham Jackson lye over to the next Session for proof.

[LANDGROVE] "That a Grant issue to Capt. William Utley and Company of the gore of land being between the towns of Bromley, Andover and Londonderry so as to allow to each associate 320 acres or thereabouts.

"That a Grant be made to Capt. Benjamin Pattison and associates for a gore of land on Lat. 45 in the northeast corner of this State containing about 7500 acres Associates N<sup>o</sup> 18.

*Ordered,*

That this last grant made to Capt. Pattison &c. lye over to the next Session for proof.

[LINCOLN] "That a Grant issue to Col<sup>o</sup> Benjamin Simonds and Company to the N<sup>o</sup> of 64 for the tract of land as described on the plan marked N<sup>o</sup> 40.

[STARKS-BORO] "That a Grant issue to David Brady 'Bordia' and Company being 64 in number for the tract as described on the plan marked N<sup>o</sup> 41.

[WARDS-BORO] "That a Grant be made to William Ward of Fane and Company to the N<sup>o</sup> of 53 for a gore or tract as described on the plan marked N<sup>o</sup> 39.

"That a Grant be made to Col<sup>o</sup> Samuel Fletcher, Maj<sup>r</sup> Joseph Tyler and Company to the N<sup>o</sup> of 54 for the gore or tract as described in the plan marked N<sup>o</sup> 38<sup>2</sup>.

1. In November, 1780, Maj. Elias Buell of Coventry, Conn., was granted a tract of land between certain towns located in the present counties of Addison and Rutland. Further investigation showed that there was little ungranted land in that vicinity. In 1784 an act was passed permitting Major Buell to select an equal area from other ungranted lands. With fifty-nine associates he received a grant of the town of Coventry, now in Orleans County, and he also received a grant of 4,273 acres in what is now known as Chittenden County, this tract being granted under the name of Buell's Gore.—State Papers of Vermont (Vermont Charters), Vol. 2, pp. 274-275, 283.

2. There is difficulty in establishing the identity of this and another grant. The number, 38, is left blank in the tabulation of Vermont Grants given in the Index to the Papers of the Surveyor General (State Papers of Vermont, Vol. 1), p. 51. Both this grant and the one to which reference is made on pp. 173-174 of these Journals, were made in part to Maj. Joseph Tyler. The latter grant is referred to as Fletcher, but is also No. 46 in the table of grants given on p. 51 of the Index of the Surveyor General's Papers, and that number there refers to the township of Sterling. Both of these grants were made in 1780, whereas the present township of Fletcher was granted Aug. 20, 1781, to Moses Robinson and his associates. See p. 175.

"Being the whole found on the plan returned by the Surveyor General, or otherwise, that is properly in the State to grant until further Surveys can be obtained; Nevertheless your Committee do not mean to be understood to finally exclude the several other petitions from a grant of their prayers when such Surveys can be in future ascertained.

"The Public Rights to be reserved as usual in each town, and that each tract be granted as described on the plan."

SIGNED "PAUL SPOONER Chairman"

Dated

"In Land Office Committee Bennington 4<sup>th</sup> Nov<sup>r</sup> 1780.

The aforesaid Report was twice read,

*Ordered.*

That it be accepted and grants be made out accordingly.

*Ordered.*

That the consideration of the Remonstrance<sup>1</sup> signed "Simeon Hathaway for himself and others" be postponed until 2 o'clock in the afternoon of monday next.

*Resolved* that the Resolution passed for dismissing the Remonstrance signed by Capt. W<sup>m</sup> Hutchins be and is hereby reconsidered and thereupon,

*Ordered.*

That said Remonstrance be taken into consideration on Monday next two o'clock afternoon.

A petition signed by Capt. Abner Seelye and Lieut. John Powell was read and thereupon,

*Resolved,*

The yeas and nays being required concerning the granting the township of Randolph<sup>2</sup>—They stand as follows viz.

Yea	Nay
M <sup>r</sup> Barber	M <sup>r</sup> Briggs
M <sup>r</sup> Walbridge	M <sup>r</sup> S. Robinson
M <sup>r</sup> Olin	M <sup>r</sup> Ward 1 <sup>st</sup>
M <sup>r</sup> Lyon	M <sup>r</sup> Hurd
M <sup>r</sup> Powel	M <sup>r</sup> Rowley
Col <sup>o</sup> Strong	M <sup>r</sup> Jackson
M <sup>r</sup> Fitch	M <sup>r</sup> Whipple
M <sup>r</sup> Ward 2 <sup>d</sup>	M <sup>r</sup> Harris
M <sup>r</sup> Higlee	M <sup>r</sup> Bratten
M <sup>r</sup> Gage	M <sup>r</sup> Underwood
M <sup>r</sup> Knight	M <sup>r</sup> Webb
M <sup>r</sup> Speaker	M <sup>r</sup> Burlingame
M <sup>r</sup> Bingham	M <sup>r</sup> Curtiss
M <sup>r</sup> J. Smith	M <sup>r</sup> Weld
M <sup>r</sup> Post	M <sup>r</sup> Spooner

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1. See p. 157.

2. See State Papers of Vermont, Vol. 2, (Vermont Charters), pp. 162-163, 338.

Mr Drury  
 Mr Goodenough  
 Mr Hale  
 Mr Hayward  
 Mr Mattoon  
 Mr Seelye  
 Mr J Powel

So it passed in the affirmative.

Adjourned until Monday morning 8 o'clock.

MONDAY Nov<sup>r</sup> 6<sup>th</sup> 1780

Met according to adjournment.

An Act entitled an Act in addition to the last clause of An Act against High Treason was read, passed and sent up for concurrence.

*Resolved* that a Committee of five be appointed to prepare a bill directing County Elections, and make report to this house the members chosen Mr [Ebenezer] Walbridge, Mr S. Robinson, Col<sup>o</sup> [John] Strong, Mr [Edward] Harris and Mr [Joshua] Webb.

The Committee appointed to prepare instructions for the board of War brought in their Report which was read, and

*Resolved* that the members of the Board of War be and they are hereby directed to meet at some suitable time and place to choose their President, and Secretary, which president shall have full power to call together the members of said board with the advice of one or more of the members and as often as may be found necessary—their Secretary to keep fair records of all their proceeding—and the duty of said Board shall be to examine into every necessary measure to be prosecuted for the defence of the frontiers of this State, and recommend to the Captain General of said State the raising any number of men and for such term of time as they may judge proper (not exceeding nine months) and further shall have full power to appoint proper officers to command such men so raised, and to call out the Militia in such numbers and proportions from time to time as may be found necessary for the security of the frontiers—They will receive and examine the monthly returns of the Commissaries of purchases and issues and likewise from the commanding officer of the troops in the service of this State—and order all kind of stores prepared for the use of said State to be transported in such quantities, at such times, and to such post or garrisons as they find necessary by said returns.

[CABOT] *Resolved*, that there be and hereby is granted to Capt. Jesse Leavensworth [Leavenworth] and Company being sixty four in number a township of land lying and being in this State bounded as follows viz as laid down and described on the plan exhibited by the Surveyor General marked N<sup>o</sup> 21<sup>1</sup>—And the Governor and Council are hereby requested

1. This resolution refers to a grant of the township of Cabot.—See State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 36, 37, 276.

to issue a charter of said township under such regulations restrictions and for such conditions as they shall judge best.

[WOODBURY]

*Resolved* that there be and hereby is granted unto M<sup>r</sup> William Lyman, Col<sup>o</sup> Eben<sup>r</sup> Woods and Company being sixty three in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General marked N<sup>o</sup> 20<sup>1</sup>—And the Governor and Council are hereby requested to issue a Charter of incorporation of said township by the name of \_\_\_\_\_ unto the said Lyman, Wood and Company under such restrictions, reservations and for such conditions as they shall judge best.

[LANDGROVE]

*Resolved* that there be and hereby is granted unto Capt. William Utley and Company a gore or tract of land lying and being in this State bounded as follows viz. between the towns of Bromley, Andover and Londonderry<sup>2</sup>—And the Governor and Council are hereby requested to issue a grant or charter of said tract unto the said Utley and so many of said Company as to allow to each three hundred and twenty acres or thereabouts under such restrictions reservations and for such conditions as they shall judge best for the benefit of the State.

[NAVY]  
(CHARLES-  
TON)

*Resolved* that there be and hereby is granted unto Comodore Whipple and Company being sixty four in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General and marked N<sup>o</sup> 32<sup>3</sup>—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of NAVY unto the said Whipple and Company under such restrictions & reservations as they shall judge best.

*Resolved* that there be and hereby is granted unto Maj<sup>r</sup> Elias Buell<sup>4</sup> and Company the gore or tract of land lying and being in this State, bounded as follows viz.—between the towns of Shorum, [Shoreham] Orwell Hubberton, [Hubbardton] Sudbury and Whiting—And the Governor and Council are hereby requested to issue a grant or charter of said tract to said Buell and so many of his associates as to allow to each three hundred and twenty acres or thereabouts under such restrictions, reservations and for such conditions as they shall judge best.

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1. This resolution refers to a grant of the township of Woodbury.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 229-231, 373.

2. This resolution refers to the grant of a gore of land to which was given the name of Landgrove.—State Papers of Vermont No. 2, (Vermont Charters), pp. 122-123, 314.

3. This resolution refers to a grant of the township of Navy, later known as Charles-ton, to Commodore Abraham Whipple of Rhode Island and his associates. Commodore Whipple captured and burned the British ship, Gaspe, in Narragansett Bay, in June, 1772 and served as a naval officer during the Revolutionary War. See Governor and Council, Vol. 2, pp. 52-53, for sketch of Commodore Whipple; see State Papers of Vermont, Vol. 2, (Vermont Charters), for charter of and reference to Navy.

4. See note p. 156.

THIS PASSED  
NOV<sup>r</sup> 4<sup>th</sup>  
HYDE PARK]

*Resolved* that there be and hereby is granted unto Capt. Jedidiah Hyde, William Dennison Esq<sup>r</sup> and Company being sixty three in number a township of land lying and being in this State bounded as follows viz—as laid down and described on the plan exhibited by the Surveyor General marked N° 45<sup>1</sup>—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of unto the said Hyde, Dennison and Company under such restrictions reservations and for such conditions as they shall judge best.

[GREENSBORO]

*Resolved* that there be and hereby is granted unto Capt. Harris Colt and Company being sixty four in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General marked N° 24<sup>2</sup>—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said tract by the name of COLTKILN unto the said Colt under such restrictions reservations and for such conditions as they shall judge best.

[MORRISTOWN]

*Resolved* that there be and hereby is granted unto M<sup>r</sup> Moses Moss [Morse] and Company being sixty four in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General marked N° 44—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of MORISTON<sup>3</sup> unto the said Moss [Morse] and Company under such restrictions reservations and for such conditions as they shall judge best.

[WALDEN]

*Resolved* that there be and hereby is granted unto Capt. Rossiter Griffen and Company being sixty four in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General marked N° 22<sup>4</sup>—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of unto the said Griffing and Company under such restrictions, reservations and for such conditions as they shall judge best.

[GILEAD]  
(RANDOM  
BRIGHTON)

*Resolved* that there be and hereby is granted unto M<sup>r</sup> Elihu Marvin and Company being one hundred and twenty in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General marked

1. This resolution refers to a grant of the township of Hyde Park, (granted as Hyde's Park).—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 99-101, 307.

2. This resolution refers to a grant of the township of Greensboro.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 83-85, 299.

3. This resolution refers to a grant of the township of Morristown.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 143-144, 326.

4. State Papers of Vermont, Vol. 1. (Index to the Papers of the Surveyor-General of Vermont), p. 51, gives a list of Vermont grants by numbers, and in this list No. 22 is given as Walden. See Vol. 2, State Papers of Vermont, pp. 201-203, and 359-360, for charter of and references to Walden.

Nº 31.—and the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of GILIAD<sup>1</sup> unto the said Marvin and Company under such restrictions, reservations and for such conditions as they shall judge best.

*Resolved* that there be and hereby is granted unto Bela Turner Esq<sup>r</sup> and Company being sixty four in number a township of land lying and being in this State bounded as follows viz—as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N° 8—And the Governor and Council are hereby requested to issue a grant or Charter of incorporation of said township by the name of TURNERBURY<sup>2</sup> unto the said Turner and Company under such restrictions, reservations and for such considerations as they shall judge best.

[ORANGE] *Resolved* that there be and hereby is granted unto Amos Robinson Esq<sup>r</sup> Capt. Ebenezer Green and Company to the number of sixty three a township of land lying and being in this State bounded as follows viz—as laid down and described on the plan exhibited by the Surveyor General marked N° 15—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of ORANGE<sup>3</sup> unto the said Robinson, Green and Company under such restrictions, reservations and for such conditions as they shall judge best.

[VICTORY] *Resolved* that there be and hereby is granted unto Capt. Eben<sup>r</sup> Fisk and Company being sixty four in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N° 28—and the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of VICTORY<sup>4</sup> unto the said Fisk and Company under such restrictions reservations and for such conditions as they shall judge best.

[MINDEN]  
(CRAFTSBURY) *Resolved* that there be and hereby is granted unto Col<sup>o</sup> Timothy Newell, M<sup>r</sup> Eben<sup>r</sup> Craft and Company being sixty three in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N° 37 and the Governor and Council are hereby requested to issue a grant or charter of incorporation of said tract unto the said Newell, Craft and Company by<sup>r</sup>the name of MINDEN<sup>5</sup> under such restric-

1. This township, granted as Gilead, was chartered as Random and in 1832 the name was changed to Brighton. For charter and references see State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 164-166, 271-272, 296, 338.

2. This resolution refers to a grant of the township of Turnersburgh, the name of which was changed to Chelsea in 1788.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 190-191, 280.

3. This resolution refers to a grant of the township of Orange.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 153-154, 331.

4. This resolution refers to a grant of the township of Victory.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 197-199, 358-359.

5. This resolution refers to a grant of the township of Minden, the name of which was changed to Craftsbury in 1790, owing to the fact that it was easily confused with Lyndon, when spoken.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 136—138, 284.

THIS PASSED  
4<sup>th</sup> NOV<sup>r</sup>  
[TURNERS-  
BURGH]  
(CHELSEA)

tions, reservations, and for such conditions as they shall judge best.

[BROOKFIELD] *Resolved* that there be and hereby is granted unto M<sup>r</sup> Phinehas Lyman and Company being sixty four in number including the present actual settlers a township of land lying and being in this State bounded as follows viz.—as laid down and described on the plan exhibited by the Surveyor General mark'd N° 9—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of BROOKFIELD<sup>1</sup>—unto the said Lyman and Company under such restrictions, reservations and for such conditions as they shall judge best.

[CALDERS-BURGH] [MORGAN] *Resolved* that there be and hereby is granted unto Col<sup>o</sup> Jedidiah Elderkin and Company being sixty four in number a township of land lying and being in this State bounded as follows viz—as laid down and described on the plan exhibited by the Surveyor General marked N° 33—And the Governor and Council are hereby requested to issue a grant or Charter of incorporation of said township by the name of CALDERS-BURGH<sup>2</sup> unto the said Elderkin and Company under such restrictions, reservations and for such conditions as they shall judge best.

[WILDERS-BURGH] [BARRE] *Resolved* that there be and hereby is granted unto Col<sup>o</sup> W<sup>m</sup> Williams and Company being sixty four in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General mark'd N° 16<sup>3</sup>—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of WILLIAMSTOWN unto the said Williams and Company under such restrictions reservations and for such conditions as they shall judge best.

[NEWARK] *Resolved* that there be and hereby is granted unto Capt. Sam<sup>l</sup> Hurlburt, M<sup>r</sup> Isaac Andrus and Company being sixty three in number a township of land lying and being within this State bounded as follows viz—as laid down and described on the plan exhibited by the Surveyor General marked N° 30.—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said tract by the name of NEWARK<sup>4</sup> unto the said Hurlburt, Andrus and Company under such restrictions, reservations and for such consideration as they shall judge best.

1. This resolution refers to a grant of the township of Brookfield.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 30-31, 272.

2. This resolution refers to a grant of the township of Caldersburgh, the name of which was changed to Morgan in 1801.—State Papers of Vermont, No. 2 (Vermont Charters), pp. 39-41, 277, 325.

3. This resolution refers to a grant of the township of Barre first granted as Williams-town, a name applied later to another township, but chartered as Wildersburgh. In 1793 the name was changed to Barre, the reason given being because “the name of the township has ever sounded uncouthly to the inhabitants and settlers and is also disagreeable on account of its length.”—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 223-225, 264.

4. This resolution refers to a grant of the township of Newark.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 146-148, 327.

PASSED  
Nov<sup>r</sup> 4<sup>th</sup>

*Resolved* that there be and hereby is granted unto Capt. Sam<sup>1</sup> Clark, M<sup>r</sup> Absalom Baker and Company being seventy three in number a township of Land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General marked N<sup>o</sup> 13<sup>1</sup>—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said tract by the name of [REDACTED] under such restrictions, reservations and for such conditions as they shall judge best for the benefit of the State.

[WILLIAMSTOWN]

[ROCHESTER]

been entrusted with public money be called to a settlement at furthest this winter—as he thinks a compleat settlement should be made once in a year with all persons that are entrusted with public money—He further observes that, he has from the formation of this State been almost constantly employed in public business, much to the damage of his own private interest—that he has for the most part furnished himself with expence money; for which time and expences &c he has never exhibited any accounts for settlement.—He therefore requests that the Committee that may be appointed to settle with the Treasurer, may be impowered (or that some other Committee be appointed and impowered) to settle said accounts with the Treasurer and as said accounts are mostly charged in Continental money at the various stages of its depreciation—it is further requested that said Committee be impowered to reduce said accounts in equity to hard money—And lastly your Memorialist prays that the Assembly would Resolve that, whatever should be found to be his due, that he together with his associates might receive his pay in lands to be hereafter located under the same regulations, restrictions and price as lands of the same quantity and situation are granted at this Session. And he (as in duty bound) remains with sentiments of esteem Your Honors most Obed<sup>t</sup> Hum<sup>b1</sup> Serv<sup>t</sup>

*Bennington Nov<sup>r</sup> 4<sup>th</sup> 1780*

I. ALLEN”

*Ordered,*

That the aforesaid Request or Memorial be granted in full.

#### RULES AND REGULATIONS FOR THE COMMISSARY OF PURCHASES DEPARTMENT.

*Resolved* that one purchasing Commissary be appointed in this State whose office it shall be to receive the quotas raised, or to be raised in the towns in and for the use of this State, and transmit them agreeable to the orders he may receive from time to time; that he shall also purchase all other stores and provisions that are necessary for supplying the troops of this State; for which purpose, he is to appoint one Assistant and no more, who also shall forward them agreeable to orders.—That the said Purchasing Commissary shall keep regular books and accounts, of all the stores purchased, or received, the place where purchased, and the prices of purchase, the person to whom delivered, the station where, and of all stores and provisions remaining on hand at the close of the month, together with their necessary expenditures of purchases and transportation—And shall make out two monthly returns and shall transmit one to the Captain Gen<sup>l</sup> [the Governor] of this State and the other to the President of the Board of War; for which purposes his Assistant shall transmit to him a monthly return to the same purpose—That the Purchasing Commissary or his Assistant do not presume to enhance the price of provisions.

That whenever the purchaser or his assistant forwards any live-stock, he shall brand the head with the letters VS and make out two invoices of the number of head, one of which to be signed by the drover

for delivery the other to be sent by said drover to the person to whom consigned, who is to sign a receipt underneath, which is again to be transmitted to the purchaser, in order that the receiver be charged therewith.

That the Purchasing Commissary be allowed to hire, or impress teams for transporting stores and provisions to their places of destination, and to hire or impress Expresses for the State, and employ drovers and butchers all of which is to be paid by the State on their producing his Certificate. That the Purchasing Commissary be allowed one Clerk.

The wages of the Purchasing Commissary to be \_\_\_\_\_ p<sup>r</sup> day  
 The wages of his clerk to be \_\_\_\_\_ p<sup>r</sup> day.  
 d<sup>o</sup> d<sup>o</sup>— his Assistant \_\_\_\_\_ p<sup>r</sup> day.

If the purchaser or his Assistant shall enhance the price of provisions, or suffer any through carelessness or negligence to be lost, embezzled, stolen, sold, or disposed of, he shall be liable to military arrest, and on conviction shall be cashiered and pay the damages that may accrue to the State thereby, the cost and charges of his tryal, loose his pay, and be held incapable of holding any office, civil or military in this State for the term of one year.

Previous to their taking upon them the execution of their office, they shall take the following oath viz.—

I——solemnly Swear by the ever living God, that I will bear due allegiance to the State of Vermont, and behave myself as a faithful subject of the same—I will not enhance the price of provisions, nor embezzle, or waste any, but in all things conduct myself as a faithful purchaser to the State.

Each Commissary of purchases shall enter into an obligation, with sufficient sureties to the Treasurer of this State in the sum of pounds for the due performance of his duty and observance of all laws and regulations, now or hereafter to be enacted for said department.

#### RULES AND REGULATIONS FOR ISSUING COMMISSARY'S DEPARTMENT

1<sup>st</sup> That one Superintending Commissary of Issues be appointed for this State, whose office it shall be to take charge of all stores and magazines of provisions laid, or to be laid up in this State, to appoint Assistants at Posts, Magazines, Forts, Garrisons, or to such Brigades as the President of the Board of War shall direct; once in three months to visit and inspect all such stores, posts &c. examine into the state and situation of the same, and into the conduct and management of the Assistants at those posts, in order that the magazines may be timely supplied, and every delinquent assistant be brought to condign punishment: He shall also keep regular entries of all such stores as remain on hand at the close of every preceeding month, of all stores received by him or his Assistant together with the assistants names and station; the persons names from whom received and from what place; of all provisions forwarded or delivered; the persons names to whom and at what place; of all provisions lost, embezzled, stolen, damaged and sold at public vendue, and at what

prices sold and at what magazine it happened; and of all provisions remaining on hand, at the different stations at the close of the month. And shall at the end of every three months make a general return of the same unto the President of the Board of War or his successor for the time being. That previous to his entering on the execution of his office he take the following oath viz.

I do Solemnly swear by the ever living God that I will bear true allegiance to the State of Vermont, and that I will behave myself as a faithful subject of the same; and that I will well and truly execute the trust reposed in me as a Superintending Commissary to this [State] agreeable to laws and regulations in that case made and provided—So help me God.

He shall also enter into an obligation to the Treasurer of this State with one or more [re] sponsible persons in the penal sum of pounds for the true performance of such laws and regulations as are, or hereafter shall be made.

That he shall on negligence or carelessness of his duty not only forfeit the penalty of his obligation but also pay all such damages that may accrue to the State thro such negligence or carelessness to be recovered by a suit at law in any court of record within this State.

The aforesaid Rules and Regulations for a Superintending Commissary was read, and passed and sent up for concurrence—

#### RULES AND REGULATIONS FOR EVERY ASSISTANT COMMISSARY OF ISSUES WITHIN THIS STATE.

THAT every Assistant Commissary of issues shall previous to his entering on his office take the following oath viz—

I, do solemnly swear by the ever living God that I will bear true allegiance to the State of Vermont, and behave myself as a faithful subject of the same. That I will render just and true accounts of all stores and provisions committed to my care, and in all things conduct myself as a faithful Commissary ought to do agreeable to the laws and regulations of this State made and provided.

He shall also enter into an obligation to the Treasurer of this State with one or more [re] sponsible persons in the penal sum of pounds for the true performance of such laws and regulations now made, or at any time hereafter are to be made and provided.

That the daily allowance to be issued to each person be one pound of beef; or three quarters of a pound of pork, and one pound of bread; one gill rum to fatigue parties, unless on extra duty, then as much more as the commanding officers shall judge necessary not exceeding half a pint; three pints pease and half a pound rice p<sup>r</sup> week; ten jills salt to every hundred weight fresh meat; six pounds candles p<sup>r</sup> week for every hundred men on guards; a half a pound candles p<sup>r</sup> week for every commissioned officer, and twenty five pounds soft soap or twelve pounds hard soap p<sup>r</sup> week to every hundred men.

That no Assistant Commissary of issues issue any of the aforesaid species unless upon a return or order from under the hand of the commander of any fort, post, garrison, brigade, regiment, company, detachment, or party whether commissioned, or non-commissioned; or from under the hand of the Quarter Master Gen<sup>l</sup> or any of his deputies or assistants—or any regimental Quarter Master or Surgeon; each return or order to specify the number of men and days drawn for, and the regiment, detachment or party they belong to with a receipt endorsed thereon for the same in words at full length and signed by one of the receivers.

That every Assistant Commissary on his receiving live stock keep a regular account of the number of head, the produce of the weight of the beef, hides and tallow, and shall take due care to cure and preserve the hides, to render the tallow, applying the scraps toward defraying the expences of the same as far as it will extend and reserve the same in his safe custody until such time he is otherwise ordered to dispose of them by an order from the Board of War.

That whenever there are any empty casks or salt remaining in the barrels when the beef or pork is issued out, not immediately wanted or are liable to perish, the Assistant Commissary is to sell them to the best advantage and credit the State with the sums.

That no Assistant Commissary permit any stores thro carelessness, neglect or wilfullness to damage or suffer loss—

That whenever any provisions are damaged or in any danger of being lost the Assistant Commissary shall give immediate notice thereof to the commanding officer, who shall on such complaint, call a court consisting of three officers to examine into the situation thereof, and if they represent that they found them in that condition the commander shall deliver the Assistant Commissary the judgment of the court, and shall proceed to advertise the same for public sale at such a day as the commander shall appoint, and for the monies thence arising he shall give credit to the State.

If at any time the Assistant Commissary shall receive any provisions and he should have reason to think there is a defect in the weight or measure, he is in the presence of two [re] sponsible persons to weigh and measure the same, and take their certificates and transmit a copy to the person who forwarded the same to him, in order that if there be any fault in the teamster he might be called to an account.

And as it frequently happens that rum looses in its transportation thro the roguery or negligence of the teamster, its thought necessary that the person forwarding the same shall in his duplicate receipt mention the wantage in inches at the bung and the Assistant Commissary on his receiving it shall, in the presence of two [re] sponsible persons do the same, in order that the delinquent may be brought to justice.

That the Assistant Commissary be allowed to employ necessary butchers, coopers and packers and proper persons for curing the hides and rendering the tallow who shall be paid by the State on his certificate.

That every Assistant Commissary keep proper accounts of his issues, forwardings and deliveries losses and damages of provisions and make monthly returns thereof to the Superintending Commissary agreeable to the form that shall be given them.

That any Assistant Commissary who shall willfully or knowingly imbezzle, waste damage, destroy, sell or dispose of any States stores or provisions, shall be liable to military arrest and on conviction shall be cashiered, pay all the cost of said trial, and all the damages the State may be put to over and above the other losses and be rendered incapable of holding any office civil or military in this State for the space of one year.

That the Superintending Commissary shall be allowed one continued clerk; and every Assistant Commissary one Clerk provided he issue four hundred rations p<sup>r</sup> day and no otherwise unless the commanding officer of the post where the Assistant Commissary is stationed should order otherwise, who is required not to order it but on the most pressing occasion.

Every Assistant Commissary to be allowed a Scale tender.

That the pay of the Superintendant be p<sup>r</sup> month.

That the pay of his clerk be p<sup>r</sup> month.

That the pay of an Asist<sup>t</sup> Commissary be p<sup>r</sup> month.

That the pay of his Clerk be p<sup>r</sup> month.

That the pay of a scale tender be p<sup>r</sup> month.

And WHEREAS, it is too frequently the case that, Commissaries in order to counter balance the losses they sustain by receiving rum in the gross, and issuing it by jills, half pints &c have fallen into the vile practice of adulteration to the wrong of the Soldiery; in order to prevent the like nefarious practices in future the strictest and severest pecuniary punishment shall be inflicted on them by the sentence of a general court-martial, and for the further prevention of which and to recompence him such losses, each Assistant Commissary shall be allowed a credit of two jills in each gallon so issued.

And WHEREAS there will necessarily be a wantage in beef, pork, flour, pease, rice, salt and soap by issuing small quantities when received in the great, therefore the Assistant Commissary shall be credited with the deficiency of six per cent on beef, pork and flour, one gallon on each bushel of pease, one pound on every fifty pounds rice, one gallon on every bushel salt and five pounds on every hundred pounds soap.

Every Assistant Commissary shall salt all the tongues and issue them to scouting parties in lieu of so much pork: and also issue the heads and plucks instead of six pounds beef each, and if the troops (which is too frequently the case) should refuse them at that rate the Commissary shall sell the same and credit the State with the monies, and if he cannot sell them he is to call upon the commanding officer for a court to condemn them and their result shall be a voucher of his indemnification for the loss.

That whenever British prisoners draw provisions by a proper return

or order the Assistant Commissary shall open a particular account against them in order that when peace takes place, said accounts may be paid or at least put in Contra to the account charged against any prisoners belonging to this State.

That the Superintending Commissary or his Assistants have a right to call on the Quarter Master's department or such other persons as shall be appointed, for teams when necessary for transporting Stores &c and for expresses when wanted for the State, and as it frequently happens the Commissaries are reduced to great straits by the absence of such persons so appointed, it is therefore allowed the said Superintendent or his Assistants to hire such teams and expresses who shall be paid by the State on their certificates.

That no Commissioned officer (who is entitled to more than one ration) be allowed to draw more than one ration p<sup>r</sup> day, the remainder being to be paid them by the State and all Commissaries are ordered to govern themselves accordingly.

Whenever any officer or soldier leaves one post or garrison to go to another either as stationed or on command he shall procure a certificate from the Commissary of the post he leaves for how long he has been victualled and on his producing that certificate to the Commissary of the post &c. to which he is going, he shall be entitled to receive his provisions from the expiration of the time he was victualled and every commissioner is hereby enjoined not to issue provisions to such persons without producing such certificate, unless from a positive order from the commanding officer.

The Commissaries are not to issue provisions to officers, or soldiers while on furlough.

WHEREAS great accidental losses of Stores &c. frequently happen when an army are on their march and which happen notwithstanding the care of the Brigade Commissary, therefore in order to indemnify the said Commissary for such accidents, the Commissary must obtain a certificate from the commander of such losses, which if the commander should out of malice refuse to grant, the Commissary's oath shall be his sufficient indemnification.

The Superintending Commissary be allowed the keeping of a horse and having him shod when necessary at the expense of the State.

The Superintendent and his Assistants to be provided with pens, ink, paper, wafers or sealing wax at the expense of the State.

The aforesaid Rules and Regulations for Assistant Commissary's department was read and passed.

Adjourned until two o'clock afternoon.

Met according to adjournment.

*Resolved* that Witherel Wittum Jun<sup>r</sup> be and is hereby directed to notify John Burnham Esq<sup>r</sup> Commissioner of Sale of Confiscated Estates to attend on the Committee appointed to hear the matter exhibited in

the petition signed by said Wittum & Company whenever said Committee shall meet.

*Resolved* that a Committee of three be appointed to take into consideration the petition signed by a number of the inhabitants of Wells and make report to this House—The members chosen Mr [William] Fitch, Mr E. Smith and Mr [William] Ward 2<sup>d</sup>

The remonstrance<sup>1</sup> signed by Capt. Hutchins, and the remonstrance signed by “Simeon Hathaway for himself and others” which were referred to this day were taken under consideration and Capt. Hutchins remonstrance was read and the other ordered to be read and while reading Gen<sup>l</sup> Allen rose up, and said he would not hear no more of it as it was beneath his character to sit there and hear such false and ignominious [charges] of persons against him &c. and went out of the house—After some debate a member of the House was desired to notify him that the Assembly would proceed to take [the] matter of Capt. Hutchins remonstrance into consideration and would hear the partys &c—Gen<sup>l</sup> Allen accordingly attended and requested to know of the House whether they would proceed to hear the remonstrance of Mr Hathaway’s and if they did he would not attend to neither, and being answered that they both would be taken under consideration he went out of the House—And after some debate and takeing the evidence of Joseph Fay and Stephen R. Bradley Esquires the matter was postponed until tomorrow morning.—

An Act entitled an Act to quiet Ancient Settlers<sup>2</sup> in their possessions was read and referred to the next Session of Assembly.

Adjourned until tomorrow morning eight o'clock.

TUESDAY Nov<sup>r</sup> 7<sup>th</sup> 1780

Met according to adjournment.

*Resolved* that the several Agents that are empowered to take out grants or charters of lands be and they are hereby empowered to add the

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1. The remonstrance of Capt. William Hutchins was a phase of the Haldiman Negotiations, so-called, and grew out of the correspondence with British officers. A letter from Stephen Lush to Governor Clinton of New York, in which he referred to the “defection” of General Allen probably explains correspondence between Generals Washington and Schuyler concerning “unfavorable suspicions of a certain person.” Letters from Beverly Robinson to Ethan Allen were sent by Allen to the President of Congress, and statements were also made by General Allen and Governor Chittenden, which not only explained this episode but defended Vermont’s position. As a result of the charges of Hutchins and Hathaway, General Allen resigned his office of Brigadier General. Although the charges of Hutchins were withdrawn and those of Hathaway were dismissed, Allen refused to take the office again, but promised to render service whenever he was needed.—Vermont Historical Society Collections, Vol. 2, pp. 78-80; Governor and Council, Vol. 2, pp. 89-92.

2. See “Act for Quieting Disputes Concerning Landed Property,” passed in February, 1781, Slade’s Vermont State Papers, p. 424; Governor and Council, Vol. 2, Appendix E, pp. 341-356 for detailed description of the “Betterment Acts,” so-called.”

number of names that are deficient in their petitions to make the number equal to the number that the grant is made too [to]—Those petitioners that are in this State to add such persons as belong to the State and those that are out of the State to add such persons names as shall be for their benefit.

WHEREAS it is Represented that M<sup>r</sup> Simeon Hathaway cannot attend the Committee appointed to hear the petition of Mess<sup>rs</sup> Wittums, Therefore

*Ordered,*

That Capt. Joseph Woodward be and hereby is appointed in his room.

The Remonstrance signed Simeon Hathaway which was refered to this day, was read and after some debate was refered until afternoon 2 o'clock.

Adjourned until 2 o'clock afternoon.

Met according to adjournment.

The Remonstrance signed Simeon Hathaway &c which was refered until this afternoon was taken under consideration and after some debate,

*Resolved*, that the Remonstrance signed “Simeon Hathaway for himself and others” be dismissed by reason of the undue form thereof

*Resolved* that Capt. William Hutchins have liberty to withdraw his remonstrance against Gen<sup>l</sup> Ethan Allen<sup>t</sup>.

*Resolved* that a Committee of two be appointed to return the thanks of this House to Gen<sup>l</sup> Ethan Allen for the good services he has done this State since his appointment of Brigadier General—And that this House do accept of this Resignation as Brigadier General according to his offer made to this House on Saturday last. The members chosen M<sup>r</sup> S. Robinson and M<sup>r</sup> [Reuben] Jones.

The Committee appointed in the last Session of Assembly to confer with Capt. Thomas Lee and Report to this House the several times when the men belonging to Capt. Lees Company entered the Service and when discharged from the same brought in the following Report viz.

“We the Subscribers being a Committee appointed by the Gen<sup>l</sup> Assembly of this State at their Sessions at Westminster in March last past to examine into the time when Capt. Thomas Lee's independent Company who have been lately in the service of the United States did actually engage in said Service and how long did continue; Beg leave to report that, they cannot proceed upon the business of their appointment by reason of some accounts that could not at present be obtained from the said Capt. Lee which are necessary in order to settle the affair.

JOSEPH BOWKER EBENEZER DRURY JOHN STRONG	Committee”
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Bennington 7<sup>th</sup> Nov<sup>r</sup> 1780

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1. See p. 170.

The aforesaid Report was read, and ORDERED,

That said Committee be and they are hereby reappointed to do said business of their former appointment.

The House proceeded to choose a Commissary of Purchases, and the ballots being taken

Capt. JOSEPH FARNSWORTH was Elected.

The House proceeded to Choose a Commissary of Issues, and the ballots being taken,

MATTHEW LYNDE Esq<sup>r</sup> was elected.—

The Referees who were appointed the last Session of Assembly to hear the cause or matter of dispute between William Searles and Johnson Cleaveland brought in the following report viz.—

“To the Honorable General Court of the State of Vermont to be convened at Bennington on the 2<sup>d</sup> Thursday of October next.

“The Referees to whom was referred the petition of William Searles against Johnson Cleveland beg leave to report.

“That having deliberately heard and understood the allegations and proofs of both parties, and willing as much as in us lies to set the parties at unity and good accord—We whose names are hereunto annexed being referees appointed by the Gen<sup>l</sup> Assembly at their Session in March last past, do make and publish this our report and award in manner following that is to say, We do award and order, first, that said William Searles have granted him his petition in the following manner to wit, that, William Searles pay the sum tendered, heretofore described in said petition, to wit, one thousand and seventy two dollars which said sum said Searles shall pay or tender to said Cleveland and on default or neglect of said Cleveland’s receiving said Money said Searles shall pay and deliver to the Clerk of the General Assembly said sum of . . . . to be delivered to said Cleveland—And we do award and order that said Cleaveland reconvey to said Searles, the farm described in said petition which appears to have been mortgaged for said money on or before the first day of November next and on his refusing and neglecting to reconvey by deed said farm by the first day of Nov<sup>r</sup> next then to pay said Searles the sum of one hundred thousand pounds, as penalty, which said sum of one hundred thousand pounds shall and may be recovered by said Searles by book debt, or action on the case; In witness whereof we have hereunto set our hands and seals this 18<sup>th</sup> day of August A. D. 1780.

Cost of Referees £135

NATHAN CLARK [L. S.]”  
GAMALIEL DEMING [L. S.]”

The aforesaid Report or award was read and after small debate was dismissed.

*Resolved* that a Committee of three be appointed to join a Committee from the Council to enquire and see what business there is for this Assembly to do the present Sessions and report tomorrow morning.—The members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Thomas] Rowley and [William] Fitch.

[BROOKFIELD] *Resolved* that there be and hereby is granted unto Mr Phinehas Lyman and Company being sixty four in number (including the present actual settlers) a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N° 9: And the Governor and Council are hereby requested to issue a grant, or charter of incorporation of said township by the name of BROOKFIELD<sup>1</sup> unto said Lyman and Company under such restrictions, reservations and for such conditions as they shall judge best.

[VERSHIRE] *Resolved*, that there be and hereby is granted unto Capt. Abner Seelye and Company being sixty four in number a township of land lying and being in this State, bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N° 7—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of VERSHIRE<sup>2</sup> unto the said Seelye and Company under such restrictions, reservations and for such conditions as they shall judge best.

*Resolved* that there be and hereby is granted unto Col<sup>o</sup> Danforth Kyes, M<sup>r</sup> Eliakim Spooner and Company being sixty three in number a township of land, lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> mark'd N° 23<sup>3</sup> and the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name unto the said Kyes, Spooner and company under such restrictions, reservations and for such considerations as they shall judge best.

[HARDWICK] *Resolved* that there be and hereby is granted unto Wilbe Butterfield and Company being sixty four in number a township of land lying and being in this State bounded as follows viz as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N° 26<sup>4</sup> and the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of unto the said Butterfield and Company under such restrictions, reservations and for such conditions as they shall judge best.—

[LITTLETON] (WATERFORD) *Resolved* that there be and hereby is granted unto Maj<sup>r</sup> Joseph Tyler and Company being sixty four in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N° 46.

1. See pp. 154, 162 for grant of Brookfield. This charter, with minor variations is recorded twice in the same manuscript volume of Vermont charters, pp. 156-158 and 350-351.—See State Papers of Vermont, Vol. 2 (Vermont Charters), note at bottom of p. 31.

2. This resolution refers to a grant of the township of Vershire.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 195-197, 358.

3. This resolution refers to a grant of the township of Hardwick.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 91-92, 301.

4. This resolution refers to a grant of the township of Littleton, the name of which was changed to Waterford in 1797.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 125-126, 363.

And the Governor & Council are hereby requested to issue a grant or charter of incorporation of said township by the name of FLETCHER<sup>1</sup> unto the said Tyler and Company under such restrictions, reservations and for such conditions as they shall judge best.

[GROTON] *Resolved* that there be and hereby is granted unto Lieut. Thomas Butterfield and Company to the number of sixty four a township of land lying and being in this State, bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General marked N° 17. And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of GROTON<sup>2</sup> unto the said Butterfield and Company under such restrictions, reservations and for such conditions as they shall judge best.

[CAMBRIDGE] *Resolved* that there be and hereby is granted unto Samuel Robinson Esq<sup>r</sup> and Company being sixty four in number a township of land lying and being in this State, bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N° 47<sup>3</sup>. And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of unto the said Robinson and Company under such restrictions, reservations and for such considerations as they shall judge best.

[WARREN] *Resolved* that there be and hereby is granted unto the hon<sup>b1e</sup> John Throop Esq<sup>r</sup> Capt. Steel Smith and Company being sixty three in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N° 11<sup>4</sup> and the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of unto the said Throop, Smith and Company under such restrictions, reservations and for such conditions as they shall judge best.

[EDEN] *Resolved* that there be and hereby is granted unto Col<sup>o</sup> Seth Warner, Lieut. Col<sup>o</sup> Sam<sup>1</sup> Safford, the officers, soldiers and the heirs of the deceased persons of this Regiment that did belong to this State when they entered service a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General marked N° 48<sup>5</sup>. And the Governor and Council are hereby requested to issue a grant or Charter of incorporation of said township by the name of unto the said Warner, Safford, officers Soldiers & heirs under such restrictions, reservations and for

1. See note p. 156.

2. This resolution refers to a grant of the township of Groton.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 85-87, 300.

3. This resolution refers to a grant of the township of Cambridge.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 41-42, 277-278.

4. This resolution refers to a grant of the township of Warren.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 207-209, 362.

5. This resolution refers to a grant of the township of Eden.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 66-67, 289. It was granted to Col. Seth Warner and the officers and soldiers of his regiment in the Continental Line.

such conditions as they shall judge best according to a Resolve past the 23<sup>d</sup> day of Oct<sup>r</sup> 1779.

*Resolved* that there be and hereby is granted unto Ebenezer Backus, Josiah Gates, Amos Jones and Company being one hundred and thirty in number a township of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N<sup>o</sup> 43<sup>1</sup>. And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of unto the said Backus, Gates, Jones & Company under such restrictions, reservations and for such conditions as they shall judge best.

[SALEM]

*Resolved* that there be and hereby is granted unto Col<sup>o</sup> Samuel Fletcher, Maj<sup>r</sup> Joseph Tyler and Company being fifty four in number a gore or tract of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General marked N<sup>o</sup> 38<sup>2</sup>. And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said tract by the name of unto the said Fletcher, Tyler and Company under such restrictions, reservations and for such consideration, as they shall judge best.

*Resolved* that there be and hereby is granted unto Capt. William Chaplin, Benjamin Emmons Esqr and Company being sixty three in number a township of land lying and being in this State, bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor General marked N<sup>o</sup> 10<sup>3</sup>. And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of unto the said Chaplin, Emmons and Company under such restrictions, reservations, and for such considerations as they shall judge best.

[ROXBURY]

*Resolved* that there be and hereby is granted unto Maj<sup>r</sup> Joel Matthews, Capt. William Gallop [Gallup] and Company being sixty three in number a township of land lying and being in this State bounded as follows viz as laid down and described on the plan exhibited by the Surveyor General marked N<sup>o</sup> 14<sup>4</sup> and the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of unto the said Matthews Gallop [Gallup] and Company under such restrictions, reservations and for such considerations as they shall judge best.

[NORTH-  
FIELD]

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1. This resolution refers to a grant of the township of Gatesborough. It was chartered as Salem. A part of Salem was annexed to Newport in 1816 and the remainder to Derby in 1880.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 180-181, 295, 344-345.

2. See note p. 156.

3. This resolution refers to a grant of the township of Roxbury.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 174-175, 341.

4. This resolution refers to a grant of the township of Northfield.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 149-151, 330.

[PITTSFIELD  
(No. 1)]      *Resolved* That there be and hereby is granted unto Lieut. Samuel Wilcox, Deacon Daniel Kinnee [Kinney] Deacon Josiah Wright and Company being one hundred and twenty seven the two tracts of land lying and being in this State, bounded as follows viz as laid down and described on the plan exhibited by the Surveyor General and Marked N° 1<sup>1</sup> and N° 2<sup>2</sup>. And the Governor and Council are hereby requested to issue their grants or charters of incorporation of said two townships to the said Wilcox, Kinnee [Kinney] Wright and Company under such restrictions, reservations, and for such conditions as they shall judge best.

[CONCORD]      *Resolved* that there be and hereby is granted unto Doct<sup>r</sup> Reuben Jones and Company being sixty five in number a township of land lying and being in this State bounded as follows viz as laid down and described on the plan exhibited by the Surveyor General marked N° 27<sup>3</sup>. And the Governor and Council are hereby requested to issue out a grant or Charter of incorporation of said township by the name of CONCORD unto the said Jones and Company under such restrictions reservations and for such considerations as they shall judge best.

[STARKSBORO]      *Resolved* that there be and hereby is granted unto David Brady and Company being sixty seven in number a township of land lying and being in this State bounded as follows viz. As laid down, and described on the plan exhibited by the Surveyor Gen<sup>1</sup> marked N° 41. And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of STARKSBOROUGH<sup>4</sup> unto the said Brady and Company under such restrictions reservations and for such conditions as they shall judge best.

[LINCOLN]      *Resolved* that there be and hereby is granted unto Col<sup>o</sup> Ben<sup>a</sup> Simonds and Company being sixty four in number a township of land lying and being in this State bounded as follows viz as laid down and described on the plan exhibited by the Surveyor Gen<sup>1</sup> marked N° 40 and the Governor and Council are hereby requested to issue a grant or Charter of incorporation of said Township by the name of LINCOLN<sup>5</sup> unto the said Simonds and Company under such restrictions, reservations and for such conditions as they shall judge best.

[WARDSBORO]      *Resolved* That there be and hereby is granted unto William Ward (of Fane) [Newfane] and Company being fifty three in number a Gore or tract of land lying and being in this State bounded as follows, viz.,

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1. This resolution refers to a grant of the township of Pittsfield.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 159-162, 335.

2. This resolution refers to a grant of the township of Hancock.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 88-90, 361.

3. This resolution refers to a grant of the township of Concord.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 46-47, 282.

4. This resolution refers to a grant of the township of Starksboro, Gen. John Stark being one of the grantees.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 186-188, 351.

5. This resolution refers to a grant of the township of Lincoln.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 123-125, 316.

as laid down and described on the plan exhibited by the Surveyor General marked N° 39—And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said tract by the name of WARDSBOROUGH<sup>1</sup> unto the said Ward and Company under such restrictions, reservations and for such conditions as they shall judge best.

*Resolved* That there be and hereby is granted unto Mr Timothy Andrus, Capt. Beach Tomlinson, Sam<sup>l</sup> Bishop Esq<sup>r</sup> and Company being sixty two in number a township of land lying and being in this State bounded as follows viz, as laid down and described on the plan exhibited by the Surveyor General marked N° 29<sup>2</sup>. And the Governor and Council aie hereby requested to issue a grant or charter of incorporation of said Township by the name of unto the said Andrus, Tomlinson, Bishop and Company under such restrictions, reservations and for such consideration as they shall judge best.

*Resolved* That there be and hereby is granted unto Maj<sup>r</sup> Abraham Sedgwick, Capt. Uriah Seymour and Company being sixty three in number a township of land lying and being in this State bounded as follows viz as laid down and described on the plan exhibited by the Surveyor General marked N° 42<sup>3</sup>. And the Governor & Council are hereby requested to issue a grant or charter of incorporation of said township by the name of unto the said Sedgwick, Seymour and Company under such restrictions, reservations and for such conditions as they shall judge best.

*Resolved* that there be and hereby is granted unto Col<sup>o</sup> Andrew Adams, M<sup>r</sup> Stephen Kingsbury and Company being sixty two in number a township of land lying and being in this State bounded as follows viz, as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N<sup>o</sup> 34<sup>1</sup>. And the Governor and Council are hereby requested to issue a grant or Charter of incorporation of said township by the name of unto the said Adams, Kingsbury and Company under such restrictions, reservations and for such conditions as they shall judge best.

*Resolved* that there be and hereby is granted unto Mess<sup>rs</sup> Reuben King, Sheldon Graham and Company being sixty three in number a township of land lying and being in this State bounded as follows viz as laid down and described on the plan exhibited by the Surveyor Gen-

1. This resolution refers to a grant of the township of Wardsboro.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 204-206, 361.

2. This resolution refers to a grant of the township of East Haven.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 64-65, 289.

3. This resolution refers to a grant of the township of Westmore.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 213-214, 366. It was granted as Westford, but as there was a New Hampshire grant of the same name Westmore was substituted for this Westford in 1787.

4. This resolution refers to a grant of the township of Sheffield.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 183-184, 346-347.

[KINGSTON]  
[GRANVILLE]

eral marked N° 6<sup>1</sup>. And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said township by the name of unto the said King, Graham and Company under such restrictions, reservations and for such conditions as they shall judge best.

[BRAINTREE]

*Resolved* that there be and hereby is granted unto Mess<sup>rs</sup> Jonathan Temple, Jacob Spear, Nathan Putnam, Levi Davis and Company being sixty one in number a township of land lying and being in this State bounded as follows viz.—as laid down and described on the plan exhibited by the Surveyor General marked N° 5. And the Governor and Council are hereby requested to issue a grant or Charter of incorporation of said tract by the name of MINDEN<sup>2</sup> unto the said Temple, Spear, Putnam, Davis and Company under such restrictions, reservations and for such conditions as they shall judge best.

[ELMORE  
(No. 35)]  
[WOLCOTT  
(No. 36)]

*Resolved* that there be and hereby is granted unto Col<sup>o</sup> Samuel Elmore, Major William Goodrich, Capt. Joshua Stanton and Company being one hundred and twenty seven in number two townships of land lying and being in this State bounded as follows viz. as laid down and described on the plan exhibited by the Surveyor Gen<sup>l</sup> marked N° 35<sup>3</sup> and N° 36<sup>4</sup>. And the Governor and Council are hereby requested to issue a grant or charter of incorporation of said townships unto the said Elmore, Goodrich, Stanton and Company under such restrictions, reservations and for such conditions as they shall judge best.

Adjourned until tomorrow morning eight oclock.

### WEDNESDAY Nov<sup>r</sup> 8<sup>th</sup> 1780

Met according to adjournment.

A memorial signed by Benjamin Fay and Thomas Rowley Esquires praying that Moses Veils [Vail] might have liberty to return home from his confinement, was read and dismissed.

*Resolved* that the Committee appointed the last Session to look into the matter of the lands &c of Aphthorp (an enimical person), that lyes in Tomlinson be and they are hereby reappointed to enquire into the said matter and make report to the next Session.

1. This resolution refers to a grant of the township of Kingston, the name of which was changed to Granville in 1834.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 118-120, 299.

2. This resolution refers to a grant of the township of Braintree. The name Minden, which was applied originally to Craftsbury, seems to have been erroneously inserted. The names of the grantees are those of Braintree and the number corresponds to that given in State Papers of Vermont, No. 1 (Index to the Papers of the Surveyors-General of Vermont), pp. 40, 51. For charter of Braintree and other references, see State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 28-30, 270.

3. This resolution refers to a grant of the township of Elmore.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 67-69, 289.

4. This resolution refers to a grant of the township of Wolcott.—State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 227-229, 372.

5. See Governor and Council, Vol. 1, pp. 146, 202 for previous charges.

The Act entitled an Act directing County Elections was sent back from the Council desiring that it might be printed and promulgated among the people and not passed into a law before the next Session of Assembly<sup>1</sup>, therefore

*Ordered,*

That said act be printed and promulgated accordingly.—

An Act entitled “an Act to impower the Superior Court to try the validity of the Charters of Wilmington<sup>2</sup> and Draper—was read passed and sent up for concurrence.—

*Resolved* that his Excellency the Governor, the hon<sup>b1e</sup> John Fassett & Timothy Brownson Esquires be and they are hereby appointed Commissioners for examining the accounts exhibited against this State; and are hereby authorized to draw bills on the Treasurer for such sums as they shall find due.

*Resolved* That there be six Commissioners or auditors of public accounts who shall be and are hereby impowered to look into the expenditure of this States money; and to call all persons to account who have had the receiving of public money and who ought to have paid such money to the Treasurer; and if any person or persons shall refuse or neglect to account with such auditors for the sum or sums they have received for this States use it shall be the duty of said Auditors to apply to the States Attorney in the County where such person or persons belongs to sue for, and collect such sums as will be found due who shall proceed accordingly: And they are to furnish themselves with all necessary papers and accounts that they can obtain in order to know the amount of the several sums the Treasurer has received for the use of this State, and when they are so furnished they are to settle with the Treasurer and make Report of their doings to the next Session of Assembly—The Governor, Council and Court of Confiscation are hereby Requested to furnish the said Auditors with all such necessary papers as lies in their power.

Adjourned until 2 o'clock afternoon.

Met according to adjournment.

*Resolved* That Col<sup>o</sup> JOHN STRONG, Col<sup>o</sup> EBENEZER WALBRIDGE, THOMAS PORTER Esqr<sup>r</sup>, REUBEN JONES, AMOS ROBINSON and STEPHEN R. BRADLEY Esquires be and they are hereby appointed Commissioners or Auditors agreeable to a Resolve passed this Day.

1. This act was passed at the legislative session held at Windsor in February, 1781.—See Slade's Vermont State Papers, pp. 421-422.

2. A New Hampshire grant of Wilmington was made in 1751. In 1763 it was regranted by New Hampshire as Draper. (State Papers of New Hampshire, Vol. 26, p. 736). In the Dorset Convention of Sept. 25, 1776, one of the meetings which led to the formation of an independent State, reference is made to the town of Draper, but thereafter it appears as Wilmington. This change of name having been made before a State government was formed, it must have been brought about by the desire of the inhabitants rather than by legislative enactment.—Governor and Council, Vol. 1, pp. 36, 53 and 63.

The Articles, Rules and Regulations for preserving order, good government and discipline among the Militia and other forces of this State when called to actual service for the defence & security of the same; and when called upon with respect to going into service &c. was read, passed and sent up for concurrence.

*Resolved* that Stephen R. Bradley and Ezra Styles Esquires be and they are hereby appointed a Committee to get the Election sermon preached at the opening of this Session by the Rev'd David Avery printed to the number of six hundred, and they present fifty of the printed sermons to Mr Avery.

*Resolved* that the Representatives that went up to Head Quarters in the alarm be allowed two pence per mile for horse travil.

The petition of Eldad Dewey setting forth that his Father the Rev'd Jedidiah Dewey late of Bennington Deceased for a valuable consideration did give him two deeds of a certain tract of land as specified in said deeds; and that the signor and witnesses of said deeds are since, all dead he there prays that said deeds may be confirmed unto him in as full a manner as tho they had been acknowledged according to law was read, Therefore

*Resolved* that the deeds executed to the said Eldad Dewey by his said father Jedidiah Dewey one bearing date the first day of March 1769 for the east half of a right of land situate and lying in Bennington which is called and known by the name of Lott N° 28 the other for the west half of the aforesaid Lott N° 28 bearing date the first day of June 1769 be and they are hereby confirmed unto him the said Eldad Dewey in as full and firm a manner as if they had been acknowledged before any authority that are by law quallified to take the same; and said deeds being recorded with a copy of this Resolve in the Town Clerks office in Bennington shall be a sufficient title in law for the same.—

*Resolved* that this Assembly (when they do adjourn) will adjourn to meet at Windsor on the first Wednesday of February next.

*Resolved* that the times and places for holding the Superiour Court be at the same times and places as they were held last year.

*Resolved* that the 7<sup>th</sup> day of December next be and is hereby appointed a day of Public Thanksgiving throughout this State; and the Governor is hereby requested to issue his proclamation accordingly.

A petition signed by the Settlers and occupants of the District of Ira praying for a grant or charter of said District was read, and Thereupon;

*Resolved* that there be and hereby is granted unto Nathan Clark Esq<sup>r</sup> and Company whose names are annexed to said petition, (provided all the settlers that are on said land or have made improvements not holding under some of the original Settlers be included) the Gore or tract of land known by the name of the District of Ira bounded as follows, viz, beginning at the northwest corner of Tinmouth, thence north on the east line of Poultney, Castleton and Hubbardton to where the line of Pittsford intersects the line of Hubberton [Hubbardton]

thence on the west lines of Pittsford, Rutland and Clarenden [Clarendon] to the south west corner of Clarendon, thence west 10° north on the north line of Tinmouth to the first mentioned bounds including the whole of said gore or tract. And the Governor and Council are hereby requested to issue a grant or Charter of incorporation of said tract by the name of Ira<sup>1</sup> unto the said Clark and Company under such restrictions, reservations and for such conditions as they shall judge best.

The Committee to whom was referred the petition of sundry inhabitants of the town of Wells &c. brought in the following Report viz.

"That it is our opinion that a Committee of three be appointed by the Assembly to confer and bargain with Isaac Hale with regard to keeping during life his grandmother Ward as also concerning the cost he has already been at which Committee ought further to be impowered to bargain with and sell to the said Hale the land lying in Wells formerly belonging to his Grandfather Ara Ward and report such bargain to the next Session of this Assembly for revisal and confirmation &c."

signed "WM FITCH Chairman"

*Resolved* that said Report be accepted and

*Resolved* that Capt. [William] Fitch, Capt. Sumner and Esq<sup>r</sup> [William] Ward [2<sup>nd</sup>] be and they are hereby appointed a Committee for the aforesaid purpose.

*Resolved* to Reconsider the Resolve appointing times and places for holding the Superior Court.

An Act entitled "An Act appointing times and places for holding the Superior Courts within this State" was read, passed and sent up for concurrence.

*Resolved* to Reconsider the Resolve passed last Friday in favour of Col<sup>o</sup> Warner's Regiment; and

*Resolved* that a Committee of three be appointed to confer with Col<sup>o</sup> Seth Warner &c. and see what there is due from this State to such officers and soldiers of Col<sup>o</sup> Warners Regiment as belongs to, and comes under the patronage of this State according to former Resolutions of this Assembly and make report to the next Session—The Committee chosen Col<sup>o</sup> Nath<sup>l</sup> Brush, Maj<sup>r</sup> Gideon Olin and John Fassett Esq<sup>r</sup>

*Resolved* that when the Committee has found the ballance due to Col<sup>o</sup> Warners Regiment the Committee of Pay Table be and they are hereby impowered to draw on the Treasurer for such sums of money for said Reg<sup>t</sup> as they shall judge best considering the state of the Treasury and the several demands thereon.

*Resolved* that the Resolve passing the Rules and Regulations of Issuing Commissary &c. be and is hereby reconsidered—and laid over to the next Session for consideration.

*Resolved* that the appointment of Matthew Lynd Esq<sup>r</sup> Commissary

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1. Although a grant of the town of Ira was made, Nov. 9, 1780, there is no record that the granting fees were ever paid or that a charter was issued.—State Papers of Vermont, Vol. 2 (Vermont Charters), p. 307.

of Issues be and is hereby reconsidered and the appointment of a Commissary of issues be postponed until the next Session of Assembly.

*Resolved* that the Clerk of this Assembly be and hereby is allowed seven shillings per day during this Session.

*Resolved* that the Governor and Council be and they are hereby requested to fill up the blanks in the Rules and Regulations of Commissary of Purchases department.

*Resolved* that Capt. Elihu Smith, Capt. John Spafford and Col<sup>o</sup> John Strong be and they are hereby appointed Referees in the case between William Searls and Johnson Cleveland and make report to the next Session.

*Resolved* that the Ma[n]agers of this States Lottery be and they are hereby directed to proceed no further with the second Class of said Lottery; and to settle with the Auditors of accounts for what they have already done. And said Auditors are hereby impowered to receive such of the tickets of the first Class as they shall upon examination find belongs to the State and now in the hands of the Managers and Credit the Managers therefor.

*Resolved* that there be and hereby is granted unto his Excellency the Governor for his Services the year ensuing one hundred and fifty pounds.

*Resolved* that the Governor and Council be and they are hereby requested and authorized to appoint proper persons to negotiate for this State at Congress and the other States for the purpose of procuring assistance towards the defence of the frontiers and any other matters that shall be judged necessary for the benefit of the State.

Adjourned until the first Wednesday of Feb<sup>y</sup> next then to meet at Windsor.

JOURNALS  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT

AT THEIR ADJOURNED SESSION HOLDEN AT  
WINDSOR, FEB<sup>Y</sup>. 7<sup>th</sup>, 1781.



STATE OF } WINDSOR WEDNESDAY Feb<sup>y</sup> 7<sup>th</sup> 1781  
VERMONT }

The General Assembly met according to adjournment at this place.—

*Resolved* that Capt. EBEN<sup>r</sup> CURTISS be and is hereby Clerk pro Temp.

Adjourned until tomorrow morning nine o'clock.—

THURSDAY Feb<sup>y</sup> 8<sup>th</sup> 1781

Met according to adjournment.

The Credentials of Capt. Jon<sup>th</sup> Holten [Holton] of Rockingham, Capt. John Simons [Simonds] of Andover Lieut. Nath<sup>l</sup> Weston of Springfield and Mr James Whitelaw<sup>r</sup> of Ryegate were read and accepted and each of them took the necessary oaths to qualify them to a seat in this House.

There not being a quorum present Adjourned until two o'clock afternoon.

2 <sup>o</sup>Clock P. M. Met according to adjournment.

A memorial signed by Doct<sup>r</sup> Thos<sup>s</sup> Clark in behalf of himself and Associates was read and refered to a Committee of three to join a Committee from the Council and make report to this house. The members chosen Mr S. Robinson, Mr [Ebenezer] Walbridge & Mr [Edward] Harris.

An Act entitled an Act in alteration to an Act for forming and Regulating the Militia &c. And an Act entitled "An Act to prevent a multiplicity of Law Suits"<sup>2</sup> were read and *ordered* to ly on the table.

A petition signed by Nath<sup>3</sup> Bennett was read and,

*Ordered*, to ly on the table.

A petition signed by the widow Lucy Kneeland was read, and,  
*Ordered* that a Bill be brought in according to the prayer thereof.

A letter signed "Elisha Payne Chairman" of the Committee from the Convention directed to the "Hon<sup>ble</sup> Thomas Porter Esq<sup>r</sup> Speaker of the Assembly of the State of Vermont" requesting to be heard on the business of their appointment—and likewise enclosing sundry resolutions of a "Convention of members from forty three towns on the New

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1. James Whitelaw was one of the founders of the Scotch settlement at Ryegate and was Surveyor-General of Vermont from 1787 to 1804. For biographical sketch see Proceedings of Vermont Historical Society (1905-1906), pp. 113-118.

2. See Slade's Vermont State Papers, pp. 423-424, for the text of this act. The intent of the act, as shown in the preamble, is "to make one debt or sum of money due on contract, answer and cancel the like sum due in like manner from the adverse party."

3. Slade's Vermont State Papers, pp. 423-424.

Hampshire-Grants begun and held at Charlestown<sup>1</sup> Jan<sup>y</sup> 16<sup>th</sup> 1781" was read and

*Resolved* that the Governor & Council be requested to attend this House in a Committee of the whole to confer together before the said Committee be heard.

The Governor & Council attended accordingly and Resolved themselves into a Committee of the whole.

The Com<sup>ttee</sup> of the whole having adjourned, the House formed, And adjourned until 9 oClock tomorrow morning.

FRIDAY Feb<sup>y</sup> 9<sup>th</sup> 1781

Met according to adjournment.

*Resolved* that a Committee of five be appointed to receive the grand lists of the several towns that are or may be exhibited at this Session.—The Members chosen Col<sup>o</sup> [John] Strong, M<sup>r</sup> Elihu Smith, M<sup>r</sup> [Hazaell] Shepherd, M<sup>r</sup> [Ebenezer] Curtiss and M<sup>r</sup> [Thomas] Rowley.

A petition signed "Elizabeth Bawldin" was read and refered to a Committee of three and report their opinion to this House—The members chosen M<sup>r</sup> [Benjamin] Whipple, M<sup>r</sup> J. Powel and M<sup>r</sup> [Stephen] Pearl.—

The House formed themselves into a Committee of the whole according to their adjournment.

The Committee of the whole having adjourned—the House formed, and

Adjourned untill 2 oClock afternoon.

2 oClock P. M.

Met according to adjournment.

A petition signed Rachel Chaffee was read, and,

*Ordered* that a bill be brought in according to the prayer thereof.

The House formed into a Committee of the Whole according to adjournment. The Committee of the whole having adjourned the House formed, and,

Adjourned until 9 oClock tomorrow morning.

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1. The plan of organizing a Connecticut Valley State had not been abandoned. The partisans of New York in Cumberland County, in order to avoid submission to Vermont, made common cause with those persons who would establish a new commonwealth, the western boundary of which should be the Green Mountain range. After preliminary meetings had been held a convention was called at Charlestown, N. H., Jan. 16, 1781, forty-three towns being represented. It was voted by a large majority to unite all the New Hampshire Grants to New Hampshire. Ira Allen had been sent by Governor Chittenden to attend the convention with authority "to take such measures as his prudence should dictate, and which might be conducive to the interest of the State." He arrived after the resolution mentioned had been adopted, but by his skill and diplomacy, single handed, he turned the sentiment of the convention so that on the following morning the vote previously taken was rescinded, and it was voted that a portion of New Hampshire should be annexed to Vermont. Thus did Ira Allen save the new State of Vermont from disruption.

Governor and Council, Vol. 2, pp. 280-283; Vermont Historical Society Collections, Vol. 1, pp. 413-414; Crockett's History of Vermont, Vol. 2, pp. 347-352.

SATURDAY Feb<sup>y</sup> 10<sup>th</sup> 1781

Met according to adjournment.

The House formed themselves into a Committee of the whole according to adjournment.—After some time spent therein they adjourned and the Speaker resumed the Chair.

An Act entitled “an Act for quieting the disorders<sup>1</sup> prevailing in this State” was read and

*Ordered* that a Committee of five to join a Committee from the Council be appointed to make such alterations and amendments in said Bill as they shall judge best and make report.—The members chosen M<sup>r</sup> [Joshua] Webb, M<sup>r</sup> S. Robinson, M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> [Edward] Harris and M<sup>r</sup> [William] Fitch.

A paper<sup>2</sup>

Adjourned until Monday 10<sup>o</sup>Clock in the morning.

MONDAY Feb<sup>y</sup> 12<sup>th</sup> 1781

Met according to adjournment.

An act entitled “an Act for preventing a multiplicity of Law suits was read, passed and sent up for concurrence.

A petition signed John Barrett (and thirty others) praying that liberty might be granted to raise a sum of money by lottery to build a bridge across black River in Springfield and across Williams River in Rockingham, was read, and

*Ordered* That a Committee of five to join a Committee from the Council be appointed to take said petition into consideration and report their opinion to this House—The Members chosen M<sup>r</sup> [Ebenezer] Curtiss, M<sup>r</sup> [Israel] Burlinggame, M<sup>r</sup> [Abraham] Underhill, M<sup>r</sup> M. Powell and M<sup>r</sup> [Jonathan] Knight.

The House formed into a Committee of the whole according to adjournment.

The Committee of the whole having adjourned, the house formed and the Speaker resumed the Chair.

Adjourned until 2 o'clock afternoon.

2<sup>o</sup>Clock P. M. Met according to adjournment.

A petition from sundry persons belonging to the town of Hertford,

1. An act for quieting disputes concerning landed property was passed at this session, which authorized the Governor, Council and House of Representatives to sit as a court to hear and determine disputes between proprietors holding lands granted under different charters.—Slade's Vermont State Papers, p. 424.

2. The paper to which reference is made was not copied in the manuscript of the Journals.

[Hartland] praying that said town might be divided &c which was referred from the last Sessions was read and

*Ordered* that a Committee of five be appointed to hear the party's and report their opinion the members chosen M<sup>r</sup> [Benjamin] Whipple, M<sup>r</sup> [Abner] Seelye, M<sup>r</sup> E. Smith M<sup>r</sup> [Hazael] Shepherd and M<sup>r</sup> [Elisha] Barber.

A petition signed William Ponock was read and dismissed.

*Resolved* that a Committee of three be appointed to join a Committee from the Council to receive the petitions that are or may be exhibited praying for relief on account of the several towns which have prefered said petitions being taxed too high, and report their opinion to this House—The members chosen M<sup>r</sup> [Edward] Harris, M<sup>r</sup> J. Powell and M<sup>r</sup> E. Smith.

*Resolved* that [a Committee] of five be appointed to redraught the addition to the militia Act and make such necessary alterations and amendments as they shall judge necessary and report to this House—The members chosen M<sup>r</sup> E. Smith, M<sup>r</sup> [Gideon] Ormsby, M<sup>r</sup> [Stephen] Pearl, M<sup>r</sup> [Abner] Seelye and M<sup>r</sup> [Elkanah] Sprague.

*Resolved* that this House will adjourn for the future at four oclock, and meet at nine.—

A petition signed by a number of the suffering proprietors of Royalton<sup>1</sup> praying for Relief was read and refered to a Committee of five to report their opinion—The members chosen M<sup>r</sup> J. Powell, M<sup>r</sup> [Thomas] Rowley M<sup>r</sup> E. Smith, M<sup>r</sup> N. Robinson & M<sup>r</sup> [Ebenezer] Curtiss.

A petition signed by Abel Rice Serjt<sup>t</sup>, Jeduthan Roberts, Asa Pratt, Francis Ashley and Nath<sup>l</sup> Carpenter was read and dismissed.

A petition signed by Serjt<sup>t</sup> Sam<sup>l</sup> Torry was read and dismissed.

A petition signed by Tahan Noble, Aaron Rising, Levi Doner and Ep<sup>m</sup> Noble setting forth that on the evening of the 21<sup>st</sup> of Oct<sup>r</sup> last the Enemy did set fire to and burnt two barns, one grist mill, grain &c &c. and praying that this Assembly would grant them some relief was read and thereupon

*Resolved* that Tahan Noble, Aaron Rising, Levi Doner and Ep<sup>m</sup> Noble of Reuport be and they are hereby discharged and acquitted from their several quota's of the provision tax assent on said Town by this Assembly at their Session in October last: And the Select-Men and Constables of said Reuport are directed to conduct accordingly.

Adjourned until tomorrow morning nine oclock.

TUESDAY Feb<sup>y</sup> 13<sup>th</sup> 1781

Met according to adjournment.

*Resolved* That a Committee of eleven to join a Committee from the Council be appointed to report their opinion where the frontier lines

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1. Reference is made to the raid from Canada in October, 1780, commonly known as the "Burning of Royalton."

shall be established the ensuing Campaign—The members chosen Mr [Benjamin] Whipple, Mr [Abner] Seelye, Mr [Ebenezer] Drury, Mr [Elisha] Burton, Mr E. Smith, Mr J. Powell, Col<sup>o</sup> [Thomas] Lee<sup>1</sup>, Maj<sup>r</sup> [Benjamin] Wait, Mr [Roswell] Post, Mr C. Parkhurst and Mr A. Robinson.

*Resolved* That Mr [Stephen] Pearl, Mr [Ebenezer] Walbridge and Mr [Thomas] Murdock be a Committee to join a Committee from the Council to prepare a Bill directing the Committee of Pay-Table what sums shall be paid for the several militia services done in this State in alarms &c.

*Resolved* That a Committee of three be appointed to make such necessary alterations in the instructions of the Board of War as they shall judge best and Report to this House—The members chosen Mr [William] Ward 2<sup>d</sup> Mr [Samuel] Bartlet and Mr M. Powell.

A petition signed by John Hibbard, John Hibbard Jun<sup>r</sup> and Tim<sup>o</sup> Hibbard was read and refered to the Committee appointed to take into consideration the petition of the suffering proprietors of Royalton.—

*Resolved* That a Committee of three to join a Committee from the Council be appointed to arrange the business that is necessary to be done this Session and make report—The members chosen Mr M. Powell, Mr [Abraham] Underhill and Mr [Amos] Hale.

*Resolved* that a Committee of three be appointed to prepare a bill to make a standard for weights and measures—and make report . The members chosen Mr S. Robinson, Col<sup>o</sup> [John] Strong, and Mr [Daniel] Spooner.

Capt. [William] Gallop [Gallup] made a verbal representation to this House that he had granted to him a township of land being N<sup>o</sup> 14 on the plan the last Session and that some person or persons have mislaid the names of the persons he represented as proprietors of said township—he therefore desires that this House would take the same into consideration—Thereupon

*Resolved* that a Committee of three be appointed to take said matter into consideration and Report their opinion—The members chosen Mr Thomas] Murdock, Mr J. Smith and Mr A. Robinson.

The Committee appointed to take into consideration the petition of sundry proprietors of Royalton brought in their Report which was read and accepted and,

*Resolved* that Comfort Sever [Seaver] and Joel Marsh Esquires and Mr W<sup>m</sup> Humphrey [Humphrey] be and they are hereby appointed a Committee for the purpose mentioned in said Report.

A Bill entitled “An Act for quieting Ancient Settlers” which was refered from the last Session was read and Refered until tomorrow 2 o'clock P. M. for further consideration.

The Committee appointed last Session to confer with Isaac Hale

HIS REPORT RECONSIDERED

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1. Colonel Lee and Major Wait were not members of the Assembly.—Governor and Council, Vol. 2, p. 72.

on the subject of keeping his grandmother Ward brought in the following Report viz.

"Your Committee beg leave to Report and do hereby Report, that whereas the trust reposed in us by your appointment at your last Sessions to confer with Isaac Hale in regard to keeping Ara Wards Widow his Grand-mother during her life, and likewise to adjust his accounts for past charges expended for her relief and comfort in times past, that we have carefully examined and find his accounts for taking care of his grand-mother in times past to be thirty two pounds, three shillings and one penny exclusive of his own time, which account is justly due to said Hale from this State.— And we have agreed with said Hale as follows viz.—Said Hale is to secure this State that his grand-mother Phebe Ward be no further cost or charge to this State or any town therein, and that he will for the time past, present and to come pay and discharge all demands of himself or any other person or persons he or they have against this State on account of his grand-mother Phebe Ward, and that this State convey to him the said Hale twenty six acres of land laid out on the right of Joseph Murren also one hundred and forty two acres of undivided land to be laid on the right of Stephen Murren which we find belonged to Ara Ward lying and being in Wells and also one right or share in the town of Essex, or Burlington, or any other town where said Ward had a right or share as said Hale shall chuse, and also a fifty acre lot in Essex that said Ward bought of Rember [Remember] Baker and if said Ward did forfeit or had no land at or near Onion River then said Hale is to have a right or share in any one town that shall be granted by this State as he shall chuse.

EBEN <sup>r</sup> SUMNER Wells Jan <sup>y</sup> 17 <sup>th</sup> 1781	W <sup>m</sup> FITCH W <sup>m</sup> WARD	{	Com <sup>tte</sup> "
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The aforesaid Report was read and accepted and thereupon

*Resolved* that said Report be and is hereby ratified and confirmed to all intents and purposes and that M<sup>r</sup> Barnabas Moss [Morse] and Capt. Eben<sup>r</sup> Sumner be and are hereby appointed a Committee to give conveyances and take bonds sufficient to indemnify the State from any back or future cost in the maintainance of Phebe Ward widow to the s'd Ara Ward agreeable to the said Report.

A petition signed by Noah Dewey was read and withdrawn.

The Committee to whom was refered the consideration of the matter respecting the fraudulent sale of a quantity of Land in the township of Thomlinson [Grafton] by M<sup>r</sup> John Chandler<sup>i</sup> of Chester brought in the following Report viz.

"We find that Thomas Apthorp late of Boston has some time since gone over and joined the common Enemy of this and the United States and at the time of his joining the enemy he was possessed of

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1. Governor and Council, Vol. 2, p. 73.

about nine thousand acres of land in the township of Thomlinson, [Grafton], that said land was conveyed to said Apthorp by Oliver Corey now of Charlestown State of New Hampshire to answer a debt said Corey owed said Apthorp, that John Chandler of Chester in this State had a power of Attorney from said Apthorp to collect said debt of said Corey and had power to take land to answer the same.—

“That since said Apthorp has joined the common enemy said Chandler under some pretence has sold and conveyed said land away by deeds &c.

“An that in our opinion the fee of the land before mentioned by forfeiture is now vested in the Freemen of the State of Vermont and ought to be taken up and prosecuted by the proper officers of government in their behalf.

“Dated at Rockingham this 5<sup>th</sup> day of Feby 1781.

	£	S	D	
Cost of Witnesses	10	13	9	JOSHUA WEBB
Cost of Com <sup>tt</sup> two days each travil &c. at 12/ p <sup>r</sup> day	3	12	0	STEPHEN R. BRADELY
Town Clerks fees for Copies & two days as evidence	<u>12</u>	<u>0</u>		LEMUEL SERJEANTS”
	<u>£</u>	<u>4</u>	<u>17</u>	<u>9</u>

The aforesaid Report was read and accepted and *Resolved* that the copies of the deed given by said Chandler and the power of Attorney given by said Apthorp to said Chandler be filed in the Clerk of Assembly’s office.

*Resolved* that a Committee of three be appointed to prepare a Bill to repeal such laws as they shall find necessary and Report to this House—The members chosen M<sup>r</sup> [William] Fitch, M<sup>r</sup> [Ebenezer] Walbridge and M<sup>r</sup> [Samuel] Bartlet.

*Resolved* that a Committee of three be appointed to prepare a Bill to ascertain the current value of Continental bills &c and make Report to this House—The members chosen M<sup>r</sup> [William] Ward 2<sup>d</sup> M<sup>r</sup> [Abraham] Underhill and M<sup>r</sup> [Eli] Pettibone.

Adjourned until tomorrow morning nine o'clock.

WEDNESDAY Feby 14<sup>th</sup> 1781

The Committee appointed to report their opinion to this House where the frontier lines shall be established the ensuing campaign brought in the following Report viz.

“That the line of defence on the west side of the Green-Mountains be established at the forts at Pittsford and Castleton by no means to be drawn further to the South unless by urgent necessity, as by the opposition of a Superior force of the Enemy &c and that a Committee be appointed on the west side the mountains by this Assembly with full

powers to remove the line from Castleton to the narrows on the lake, or elsewhere if it shall be found proper to act in conjunction with the troops from N York if any such should arrive at said narrows &c.

"That the troops destined to guard the frontiers on the East side [of] the Green Mountains be from time to time under the direction of a Committee elected on the east side the said mountains, and that the said Committee take to their assistance in either of the aforesaid instances the officers commanding the several detachments.

BENJ<sup>a</sup> WHIPPLE Chairman"

The aforesaid Report was read and accepted and *Resolved* that Col<sup>o</sup> Gideon Warren, Col<sup>o</sup> Thos<sup>s</sup> Lee and M<sup>r</sup> Ithamir [Ithamer] Hibbard on the West side of the Mountains and Capt. Abner Seelye, Benj<sup>a</sup> Emmons Esq<sup>r</sup> and Capt. Elisha Burton on the east side of the mountain be and they are hereby appointed the Committees for the purposes mentioned in said Report.

The Committee appointed to take into consideration the petition of Capt. Lee & enquire into the times &c. when his Company entered service &c. brought in their Report which was read and accepted—but afterwards reconsidered.

The Committee to whom was refered the petition of the Widow Lucy Kneeland brought in a Bill which was read and accepted.

A petition signed by Daniel West was read and Referred to a Committee of three and to make Report of their opinion—The members chosen Col<sup>o</sup> [John] Strong, M<sup>r</sup> J. Powell and M<sup>r</sup> [Gideon] Ormsby.

A Bill entitled "an Act in alteration of an Act concerning delinquents" was read, passed and sent up for concurrence.

*Resolved* that a Committee of three be appointed to prepare a Bill in addition to the provision Act and make Report—The members chosen M<sup>r</sup> [Edward] Harris, M<sup>r</sup> E. Smith and M<sup>r</sup> A. Robinson.

A petition signed by the inhabitants of Pittsford praying that there provision tax might be taken off was read and accepted.

A petition signed Philip Smith enclosing an account &c was read and refered to the Committee of Pay Table for adjustment and settlement.

The Committee to whom was refered the petition of Daniel West brought in the following Report viz.

"That the prayer of said petition be granted and that this House relinquish their claim to said hundred acre lott, and said Isaac Baldwins title be said lott be confirmed to Daniel West the said petitioner agreeable to the former contract between said Baldwin and West."

JOHN STRONG Chairman"

The aforesaid Report was read and ordered that a Bill be brought in accordingly.

The Committee appointed to hear Capt. [William] Gallop agreeable to his verbal Representation respecting a township of Land granted to him & Comp<sup>y</sup> last Session brought in the following Report viz.

"That it is our opinion that for the General Assembly to undertake to alter the grant of any township they have heretofore granted will have a tendency to open a large field of business and rather increase than lessen difficulties—And as Capt. Gallop was agent for said township & was absent when it was granted—It is our opinion that the Committee did make a list of names for said township according to the best of their judgment as to anything that appears to us.

Thos<sup>s</sup> MOREDOCK [Murdock] Chairman"

The aforesaid Report was read and accepted.

The House formed into a Committee of the whole, according to adjournment.

The Committee of the whole dissolved, and the Speaker Resumed the chair.

The following Report was made to the House by the Committee of the whole: viz.

*'State of Vermont, Windsor Feby 12<sup>th</sup> 1781*

Agreeable to the order of the day, the Governor, Council and House of Representatives met, and formed into a Committee of the whole, for the purpose of taking into consideration the matter of laying a jurisdictional claim east and west<sup>1</sup>.—His Excellency, Thos<sup>s</sup> Chittenden Esq<sup>r</sup> in the Chair. After some debate, a Committee of seven were appointed to prepare a Report, to be made to this Committee, which Report was made as follows viz.

"To the grand Committee, consisting of his Excellency the Governor, the hon<sup>b</sup>le Council, and House of Representatives:—Your Committee, to whom was referred the several papers from the Committee of the Convention at Cornish, and also the requests of the inhabitants living north of a line being extended from the north line of the Massachusetts, to

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1. William Slade, in his *Vermont State Papers* (p. 126), in commenting on Vermont's annexation of New York and New Hampshire towns, after alluding to the action of the Continental Congress in postponing indefinitely the consideration of the Vermont dispute, said: "Irritated by the pertinacious adherence of New York and New Hampshire to their claims, and wounded by the humiliating treatment of her agents at Congress, she resolved on a different policy,—a policy which should present Vermont in an imposing attitude and convince the claiming States that it would be wise to yield to power what had so long been denied to the claims of justice." Slade also says (p. 141), "By the unions thus formed she (Vermont) had added an extent of territory equal, at least, to that over which she had originally claimed jurisdiction. By this bold and decisive policy she had augmented her resources, compelled the respect of her enemies, gained upon the confidence of her friends, quieted disaffection at home, invited emigration, and thus laid the foundation for a large and powerful State." Vermont thereupon proceeded to annex with their consent fourteen New York and thirty-five New Hampshire towns. Naturally a controversy followed with both States, but Vermont's aggressive act called attention to the justice of her claim for recognition. In time these claims to the territory annexed were relinquished, Vermont having been led to believe that admission to the Union would follow such relinquishment. A change of attitude relative to Western lands claimed by some of the States was responsible in part for delay in acting on the Vermont demand. Documentary material on this subject will be found in *Governor and Council*, Vol. 2, appendix H., pp. 277-395; Crockett's *History of Vermont*, Vol. 2, pp. 345-385.

Hudsons River, and east of the same River and South of Latitude forty five, beg leave to Report—viz.

That, WHEREAS the district of country, formerly known by the name of the New Hampshire Grants, was peopled in consequence of grants of lands from New Hampshire; and whereas, the former government of New York did, by cunning, in the year 1764, obtain a Royal order, to exercise jurisdiction to the west bank of Connecticut River, which was against the consent of the people of said district; New York proceeded to grant subsequent patters, erect courts, issue writs of ejectment, possession &c, in prejudice to the first grantees and occupants. The inhabitants, necessitated to it, declared a defensive war against the government of New-York, and that government made acts of outlawry against said inhabitants, and warlike preparations was making on both sides. In the interim, the people governed themselves by conventions, who, at several times, made application to New Hampshire to exert themselves to obtain jurisdiction; who, by a Proclamation &c, wholly rejected any such connections. Thus stood the case, at the grand aera [era] of American Independence, when, in kingly governments, all jurisdictions, and jurisdictional lines, ceased, and all governmental powers devolved on the people; when they, continuing said Convention, emerged into independence, declaring themselves, on the fifteenth day of Jan<sup>y</sup>, 1777, to be a sovereign, free and independant people—and

WHEREAS the general court of New-Hampshire did, on the 19<sup>th</sup> day of July, 1777, by a letter signed “Meshech Were [Weare] President,” directed to “Ira Allen Esq<sup>r</sup>, Secretary of the State of Vermont<sup>1</sup>” acknowledge the independence of this State: and WHEREAS, on the representation of a Committee, inhabiting several towns east of, and contiguous to, Connecticut River, made to the Assembly of this State, at their Session in March 1778, that a number of towns east of, and adjoining to said River, were unconnected with any State, with regard to their civil police; this State, upon said Representation, did admit sixteen towns, east of said River, to Union, and extended jurisdiction over them —And

WHEREAS the General Court of New-Hampshire did, by their letter, dated Aug<sup>t</sup> 22<sup>d</sup> 1778<sup>2</sup>, signed “Meshech Weare, President of the Council of New Hampshire” directed “To the hon<sup>ble</sup> Thos Chittenden Esq<sup>r</sup>,” demand of the State of Vermont a surrendry [surrender] of their jurisdiction, east of said River, which will appear by the following paragraph in said letter viz—“I beseech you Sir, for the sake of the people over whom you preside, and the people, for the sake of their future peace and tranquility, to relinquish every connection, as a political body, with the towns east of Connecticut river, who are members of the State of New Hampshire entitled to the same privileges as the other people of the said State, from which there never has been any attempt to

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1. Slade's Vermont State Papers, p. 80.

2. Slade's Vermont State Papers, pp. 91-92.

restrain them."—The Legislature of Vermont, at their Session in Feby 1779, on the Reception of President Weare's said letter, considering their territory to be larger and more fertile than that of New-Hampshire, allowing the latter, said sixteen towns east of said River, and being unwilling to have a controversy with a neighbouring State, did close with the demand of New Hampshire, and relinquished jurisdiction east of said Connecticut River. In this the minds of the two governments met, and virtually settled upon the River as the boundary line between the Respective States. An agent was then appointed, to transmit the dissolution of said Union, to the General Court of New Hampshire, who, on his arrival there, found, after delivering his message, that there was a plan on foot for laying a jurisdictional claim to the territory of Vermont, under pretext of friendship and to baffle the claims of New York. Said Agent made strenuous [strenuous] efforts against such claims being laid, arguing that it could not be of much service to Vermont, as she had little to fear from New-York; and the further consideration was postponed to their next Session. In the interium, [interim] an Agent was again sent to attend said General Court, with a letter from the Governor of this State, requesting the Legislature of N. Hampshire, in the most urgent manner, not to lay claim to this State. After a hearing before both houses, and the most pressing arguments used, the legislature did insist that they would do Vermont a favour; and accordingly laid their claim, and directed their Agents to lay said claim at Congress; which, together with the claims of the neighbouring States, has prevented this State from obtaining a seat in Congress.

It is to be here observed, that New Hampshire have, from the time of laying her aforesaid claim, endeavoured to support internal broils in the easterly part of this State, contiguous to Connecticut River. Some gentlemen, inhabitants of the County of Cheshire, that are, or have been, members of the general Court of New-Hampshire, not long since, in Convention, when fatal necessity obliged them to it, publickly declared that their intentions were to unite the whole of the grants (meaning Vermont) to N. Hampshire.—And WHEREAS, Sundry applications have been made by the people, inhabiting west of the line, known by the name of the Mason line, and east of Connecticut River, to unite with this State in one distinct government—Their last application is in the words following viz.

"To the hon<sup>b</sup>le the Gen<sup>l</sup> Assembly of the State of Vermont, now sitting in Windsor.

The Committee appointed by the Convention, holden at Charlestow, the 16<sup>th</sup> of Jan<sup>y</sup> last, to confer with the Assembly of said State, beg leave to inform, that the Convention are desirous of being united with the State before mentioned, in one separate, independent government, upon such principles, as shall be mutually thought the most equitable and beneficial for the whole; desiring an answer, as soon as may be. By order of the Committee, Elisha Payne" Windsor Feby 10<sup>th</sup> 1781.

Therefore, your Committee do recommend, in order to quiet the present disturbances on the two sides of said River, and the better to enable the inhabitants on the two sides of said River, to defend the frontiers, that the Legislature of this State do lay a jurisdictional claim to all the lands situate east of Connecticut River, north of the Massachusetts, and South of latitude 45—and that they do not exercise jurisdiction, for the time being.—

WHEREAS, the government of New York have, for more than sixteen years last past, made use of every art and cunning, in their power, to usurp the rights and properties of the people of this State; while every measure, hitherto adopted, has proved abortive, for settling a controversy of such magnitude, so necessary to be settled, for the peace and welfare of the United States at this critical period. The unfortunate situation of this State being that of having an extensive frontier of more than one hundred miles in length, to defend against the British invasion from the Province of Quebec, by the avaricious and ambitious claims of the neighbouring governments and by the powers assumed over them by Congress, have, at several times, been embarrassed in raising men and money for the defence of her frontiers; &, by resolutions of Congress, obtained by the claiming governments, notwithstanding the brave exertions of this State in the Bennington Battle &c, every article belonging to the Continent, has been called for and ordered out of the State, even to pick-axes and spades, at a time when the State was erecting a new line of forts on her frontiers, at which time the State of New York evacuated their post at Skeensborough, which necessitated the people to petition this State for protection, when this State reinforced her guards, and directed her scouts to cover said people.

And WHEREAS, it appears, by the best accounts hitherto obtained, that there was a government established by the Court of Great Britain, before the aera [era] of American independence, including all the lands this State at present exercise jurisdiction over, as also a much greater western extent, over which Governor Philip Skeene was to have presided, which overturns the claims of New York, on their own stating.

And WHEREAS it appears that the government of New York is still determined to do everything in her power, to embarrass and overturn the jurisdiction of this State, and have made no answer to Governor Chitten-den's letter<sup>1</sup> of the 22<sup>d</sup> Nov<sup>r</sup> last past, which was sent to the Legislature of New York, demanding of them to relinquish their claim of jurisdiction to this State, and inviting them to join in the mutual defence of the frontiers of the two States, against British invasions from the Province of Quebec.

Therefore, your Committee do recommend, that the Legislature of this State do lay a jurisdictional claim to all the land, situate north of the north line of the State of Massachusetts, and extending the same to Hudsons River, the east of the center of the deepest channl of said River,

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1. Governor and Council, Vol. 2, p. 266.

to the head thereof; from thence east of a north line being extended to latitude 45, and south of the same line, including all the lands and waters, to the place where this State now exercise jurisdiction; and not to exercise jurisdiction, for the time being.

*Windsor Feb<sup>y</sup> 14<sup>th</sup> 1781—*

By order

JOSEPH BOWKER Chairman"

*In Committee of the whole, Feb<sup>y</sup> 14<sup>th</sup> 1781*

The aforesaid Report was read and accepted  
attest

Ros<sup>l</sup> HOPKINS Clerk'

The aforesaid Report was read and accepted, and thereupon,

*Resolved*, that this State have and do hereby lay a jurisdictional claim to all the lands and waters, within the lines described in the aforesaid Report.

*Resolved*, that a Committee of five be appointed, to join a Committee from the Council, for the purpose of waiting upon the Committee appointed by a Convention held at Charlestown, with the Report of the Committee of both houses, upon the subject of jurisdictional claims, & passed the House this day. The members chosen, M<sup>r</sup> [Edward] Harris, M<sup>r</sup> [John] Strong, M<sup>r</sup> [Stephen] Pearl, M<sup>r</sup> [Ebenezer] Walbridge and M<sup>r</sup> [Thomas] Murdock."

Upon motion made by M<sup>r</sup> S. Robinson (a letter from Sheriff Fay &c being read) *Resolved* that Moses Veil [Vail] a prisoner now under the custody of said Sheriff Fay be and is hereby released and liberated from his confinement.

Adjourned until tomorrow nine oClock in the morning.

### THURSDAY Feb<sup>y</sup> 15<sup>th</sup> 1781—

Met according to adjournment.

An Act entitled "An Act for quieting disputes about landed property, was read passed and sent up for concurrence.

A request from the Convention was delivered to this House by their Committee, and

*Resolved* that a Committee of three to join a Committee from the Council be appointed to prepare an answer to the aforesaid Request of the Convention now sitting at Cornish<sup>1</sup>—and report to this House as soon as may be—The members chosen M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> A. Robinson and M<sup>r</sup> [Joshua] Webb.

*Resolved* that the Committee from the Convention be informed that it is not likely that an answer to their request can be given until tomorrow morning 9 oClock.

*Resolved* that the Report of the Committee of the whole which

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1. The Charlestown, N. H., convention was adjourned to Cornish. Governor and Council, Vol. 2, p. 285.

passed this House yesterday respecting jurisdictional claims be referred until tomorrow morning for further consideration

A petition signed George Duncan was read and *Ordered*,

That a Committee of three be appointed to hear the matter of said petition and to cite the adverse party before them and Report their opinion to the next Session—The members chosen Mr M. Powell Col<sup>o</sup> [John] Strong & Mr N. Robinson.

*Resolved* that a Committee of three be appointed to wait on the Surveyor General and see whether there is any land that can be granted with safety this Session and Report to this House tomorrow morning—The members chosen Mr S. Robinson, Mr [Edward] Harris and Mr [Samuel] Bartlet.

An Act entitled “An Act in addition to an Act for forming and regulating the militia &c” was read, passed and sent up for concurrence.

An Act entitled “An Act for discharging certain persons from the duties therein mentioned” was read and refered to the next Session.

A petition signed by Sarah Simonds was read and refered to the Governor & Council for their consideration &c.

*Resolved* that there be two persons added to the Board of War—and that they be chose tomorrow morning.

Adjourned until tomorrow morning nine o'clock.

FRIDAY Feb<sup>y</sup> 16<sup>th</sup> 1781

Met according to adjournment.

The Referees appointed to hear the Case between William Searles and Johnson Cleveland brought in their award which was read and accepted.

The House proceeded to choose by ballot the two persons voted in addition to the Board of War—when BENJ<sup>a</sup> EMMONS Esq<sup>r</sup> and Maj<sup>r</sup> JOSEPH TYLER were chosen.

*Resolved* that a Committee of three be appointed to make up or tax a bill of cost in the case between William Searles and Johnson Cleveland—The members chosen Mr J. Smith, Mr [Barnabas] Moss [Morse] and Mr [Benjamin] Whipple.

(“The Committee to whom was refered the request of the Convention now sitting at Cornish &c. brought in the following Report viz.

“That this Assembly is willing to receive the inhabitants of the New Hampshire Grants, east of Connecticut River, and west of the Mason Line, into union with this State, if we can agree on terms that shall be safe for this State, and beneficial for the whole.”)

“The Reasons why some public papers was not delivered to the Committee of said Convention as agreed are—That the Bill was long and took longer to copy it than was expected, that the appointment of the Committee happened to be laid aside among other papers & could not be found till 12 oClock that it was expected that Doct<sup>r</sup> Page would have waited at Windsor till the copies were ready that about one o'clock the copies were offered to him—and he did not take them

p<sup>r</sup> Order Tim<sup>o</sup> BROWNSON, Ch<sup>m</sup>”

(The aforesaid Report was read and accepted and,

*Resolved* that a Committee of two to join a Committee from the Council be appointed to wait on the Cornish Convention with the aforesaid Report—The members chosen M<sup>r</sup> [Ebenezer] Walbridge and M<sup>r</sup> E. Smith.”)

*Resolved* that the Resolution granting the prayer of the petition of the suffering Proprietors of Royalton be and is hereby reconsidered—and

*Resolved* that so much of the petition as prays “That the suffering Proprietors of Royalton be discharged from their granting fees that is due to this State” be granted—and

*Resolved* that a Committee of three be appointed to make inquiry and Report who are the sufferers that ought to be released from paying the granting fees as aforesaid—The members chosen M<sup>r</sup> [Thomas] Murdock, Col<sup>o</sup> [John] Strong and M<sup>r</sup> [Joel] Eli [Ely]

*Resolved* that the County of Bennington as it now stands described be and is hereby divided into two distinct Counties—and that the County of Cumberland be divided into three Counties—and that a Bill be brought in accordingly.

An Act entitled “An Act for the division of Counties” was read, passed and sent up for concurrence.

(“A Resolution from the Convention, passed this day, was delivered to this House by a Committee appointed by said Convention for the purpose mentioned in said Resolve; and thereupon,

*Resolved*, that a Committee of nine, to join a Committee from the Council, be appointed to confer with the said Committee from the Convention, according to said Resolve, and make Report of their proceedings as soon as may be. The members chosen Col<sup>o</sup> [John] Strong, M<sup>r</sup> E. Smith, M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> S. Robinson, M<sup>r</sup> [Thomas] Murdock, M<sup>r</sup> [Joshua] Webb, M<sup>r</sup> N. Powell, M<sup>r</sup> [Edward] Harris, and M<sup>r</sup> [Benjamin] Whipple.”)

An Act entitled “An Act directing the payment of the militia when called out in service,” was read, passed and sent up for concurrence.

The Committee appointed to nominate two Committees for the purposes mentioned in the Report of the Committee for establishing the frontier lines brought in their Report which was read—and the following persons were chosen and they are hereby appointed Committees for said purposes viz. Col<sup>o</sup> Gid<sup>n</sup> Warren, Col<sup>o</sup> Thos<sup>s</sup>. Lee & M<sup>r</sup> Itham<sup>r</sup> Hibbard on the West side of the Mountains and Capt. Abner Seelye, Benj<sup>a</sup> Emmons Esq<sup>r</sup> & Capt. Elisha Burton on the east side of the Mountains.

Adjourned until 9 <sup>o</sup>Clock tomorrow morning.

SATURDAY Feb<sup>y</sup> 17<sup>th</sup> 1781

Met according to adjournment.

An Act entitled “An Act directing County Elections” was read passed and sent up for concurrence.

An Act entitled "An Act to settle and establish all highways that is laid out in this State was read, and

*Ordered,*

That a Committee of three be appointed to take said Act into their consideration and make such amendments as they shall judge necessary, and Report to this House—The members chosen Mr A. Robinson, Mr [Stephen] Pearl and Mr [Benjamin] Whipple.

*Resolved* that there be two Agents appointed and fully authorized immediately to wait upon the Legislature of the State of New York now convened at Albany to agree upon and establish the line between this State and the State of New York.—The Agents chosen (by ballot) are Col<sup>o</sup> IRA ALLEN and Maj<sup>r</sup> JOSEPH FAY.

*Resolved* that a Committee of five to join a Committee from the Council be appointed to prepare instructions for the aforesaid Agents and Report to this House—The members chosen Mr [Benjamin] Whipple, Mr [William] Ward 1<sup>st</sup> Mr [Stephen] Pearl, Mr [Thomas] Murdock and Mr [Joshua] Webb.

A petition signed by Maj<sup>r</sup> Matthews was read and Refered to a Committee of three to make Report the members chosen Mr [Elisha] Burton, Mr [William] Fitch and Mr [Ebenezer] Curtiss.

*Resolved* that this Assembly will not reconsider any grants of land made last Session.

A petition signed Aaron Storrs in behalf of some distressed proprietors of the township of Randolph was read, and Refered to a Committee of three to Report their opinion to this House; The members chosen Mr [Solomon] Bingham, M. [Abraham] Underhill and Mr [Eli] Pettibone.

An Account was exhibited against this State in favour of Capt Eben<sup>r</sup> Bruster [Brewster] and refered to a Committee of three—who brought in their Report which was read and accepted.

WHEREAS Reuben Harmon hath petitioned this Assembly for the confirmation of seven rights of land in the township of Ruport [Rupert] which he had heretofore purchased of Barnabas Barnum and took an authentik deed thereof under the hand and seal of said Barnum bearing date "Ruport 10<sup>th</sup> Sept<sup>r</sup> 1766" and said Barnum being since deceased and the witnesses Josiah and Mercy Cass gone to Canada so that said deeds cannot be acknowledged in any legal way heretofore prefixed in law.

Therefore *Resolved* that the seven rights of land hereafter described viz. N° 8 drawn by Sam<sup>l</sup> Hunter, N° 38 drawn by Daniel Warner N° 43 drawn by Jonathan Allen, N° 39 by Job Dexter N° 26 the first lot only by William Kinedy N° 25 by Samuel Billing, after right of N° 7 drawn by Daniel Glazier, the after right of N° 27 drawn by Daniel Allen, also about fifty acres of lot N° 31 be and they are hereby confirmed unto the said Reuben Harmon in as full and ample a manner as if the act and deed of the said Barnabas Barnum (in said Contract) had by himself been acknowledged before proper authority.

Adjourned until to monday morning 9 o'clock.

MONDAY Feb<sup>y</sup> 19<sup>th</sup> 1781

A Letter from Joseph Fay Esqr to governor Chittenden enclosing a Resolution of Congress &c was read,

*Resolved* that a Committee of three be appointed to take into consideration the situation of the first Regiment and if they judge it necessary that said Reg<sup>t</sup> be divided to bring in a bill for that purpose. The members chosen M<sup>r</sup> [Edward] Harris, M<sup>r</sup> [Ebenezer] Curtiss and M<sup>r</sup> [Levi] Goodenough.

*Resolved* that Col<sup>o</sup> [John] Strong and M<sup>r</sup> M. Powell be dismissed from a Committee appointed to take into consideration the petition of George Duncan &c. and M<sup>r</sup> [Joshua] Webb and M<sup>r</sup> [Jonathan] Knight be and they are hereby appointed to join said Committee in their room.

A petition signed Elias Olcott and Sam<sup>l</sup> Taylor was read and,

*Ordered* that a bill be brought in according to the prayer thereof.

The Committee to whom was referred the petition of Aaron Storrs in behalf of the suffering Proprietors of Randolph brought in the following Report viz. "That it is our opinion that the payment of the Charter fees on the Rights of Exper<sup>r</sup> Davis, Timothy Miles, Zadock Steel and William Evans, who are grantees in the township of Randolph and have suffered much by the Enemy, be postponed five years.

AB<sup>m</sup> UNDERHILL for Com<sup>tee</sup>"

The aforesaid Report was Read and accepted.

"The Representatives of the County of Bennington, beg leave to Report to the hon<sup>ble</sup> Gen<sup>l</sup> Assembly.

"That it is there opinion that the County of Bennington be divided into two half shires, and that one half shire town be Bennington, and the other Manchester on condition that the inhabitants of the town of Bennington complete a Court House by the first day of October next—and a Goal [jail] by the first day of June next and that the several inhabitants of Bennington who do not assist in building said House and Goal to the amount of the County tax which they would have to pay in building the other Court-House and Goal shall be taxed with the rest of the County in building a Court-House and Goal in Manchester.

"Windsor Feb<sup>y</sup> 16<sup>th</sup> 1781.

S. ROBINSON Chairman"

The aforesaid Report was read and agreed to

The Representatives of the County of Rutland made a verbal Report that the courts be held in Tinmouth<sup>i</sup> for the time being.

The Representatives of the County of Windham Report that there be two shires in said County viz. Westminster & Marlborough.

The Representatives of the County of Windsor Report the Courts be held in Windsor.

<sup>i.</sup> Rutland County Court was held at first in the barroom of a log tavern at Tinmouth. A log barn was used as a jury room and a log jail was built. Rutland was made the shire town in 1784. See "The Vermont Bench and Bar," by Judge Frank L. Fish in Crockett's History of Vermont, Vol. 5, p. 365.

The Representatives of the County of Orange<sup>1</sup> Report that the Courts be held in Thetford and Norwich.

*Resolved* that a Committee of three be appointed to prepare a Bill appointing times and places for holding County Courts in the several Counties within this State—The Committee chosen Noah Smith, Ezra Styles and Stephen Jacob Esquires.

The Committee appointed to prepare a Bill to ascertain the current value of Continental Bills &c. brought in their Report which was read and dismissed—and

*Resolved* that a Committee of three be appointed to prepare a Bill to ascertain the current value of Continental Bills of Credit in Spanish milled dollars in this State and of contracts made for the payment thereof in the several periods of its depreciation and make Report—The members chosen M<sup>r</sup> [Samuel] Bartlet M<sup>r</sup> [Elisha] Barber and M<sup>r</sup> [Thomas] Rowley.

A petition signed by Gideon Warren Stephen Royse and William Ward Committee for building Fort Warren<sup>2</sup> &c. was read and

*Ordered*,

That a Committee of three be appointed to take said petition into consideration and Report their opinion to the next Session. The members chosen M<sup>r</sup> E. Smith, M<sup>r</sup> [Abraham] Jackson and M<sup>r</sup> J. Smith.

An Act entitled “An Act repealing an Act for dividing the fourth Regiment and forming a Seventh regiment” was read, passed and sent up for concurrence.

An Act entitled “An Act for dividing the first Regiment and establishing a seventh was read, passed and sent up for concurrence.

The petition signed by Maj<sup>r</sup> Matthews which was referred to a Committee, was requested to be withdrawn by this [his] attorney, *Ordered* that leave be given accordingly.

A petition signed by Sam<sup>l</sup> Avery<sup>3</sup> Esq<sup>r</sup> was read and referred to a Committee of three to join a Committee from the Council and make report—The members chosen M<sup>r</sup> [William] Fitch, M<sup>r</sup> Averis [Zadock Everest] & M<sup>r</sup> [Abraham] Underhill.

*Resolved* that a Committee of five to join a Committee from the Council be appointed to prepare a Bill for a land tax and make Report to this House—The members chosen M<sup>r</sup> A. Robinson, M<sup>r</sup> [John] Weld, M<sup>r</sup> Averis [Zadock Everest] M<sup>r</sup> Nath<sup>l</sup> Robinson and M<sup>r</sup> [William] Ward 2<sup>d</sup>.

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1. Orange County Court was held at Thetford until 1785, and at Newbury from 1785 to 1796. Chelsea was made the shire town in 1796. See “The Vermont Bench and Bar” by Judge Frank L. Fish in Crockett’s History of Vermont, Vol. 5, p. 328.

2. Fort Warren was erected in Castleton.

3. Samuel Avery at this time was a resident of Westminster. Vermont issued to him charters for eight tracts of land and six of these were known as Avery’s Gore. These tracts were in Chittenden, Addison, Essex, Franklin, Windham and Orleans counties. A description of the Avery grants and gores will be found in New Hampshire State Papers, Vol. 26, pp. 617-626.

*Resolved* that a Committee of three be appointed to make up a Debenture for this Session—The members chosen Mr [Ebenezer] Walbridge, Mr [William] Fitch and Mr [Edward] Harris.

*Resolved* to Reconsider the passing or accepting of the Report made by the Referees in the case between Searles and Cleaveland—and that said Report be referred until tomorrow morning and that the Governor and Council be requested to join this House at that time to hear and determine the said case.

Adjourned until tomorrow morning nine o'clock.

TUESDAY Feb<sup>y</sup> 20<sup>th</sup> 1781

Met according to adjournment.

An Act entitled “An Act continuing the several offices therein named” was read, passed and sent up for concurrence.

The Committee to whom was referred the petition of Samuel Avery Esq<sup>r</sup> brought in the following Report viz.—

“That as it appears impossible to ascertain whether the land described in said petition or any part of it has heretofore been granted by either of the States of New-Hampshire or Vermont—It is our opinion that said petition be laid over to the next Session of this Assembly or until further information can be had relative to said tract of land.

“AB<sup>m</sup> UNDERHILL Ch<sup>m</sup>”

The aforesaid Report was read and accepted.

The Committee to whom was referred the petition of the town of Hertford [Hartland] praying for a division of said town brought in their report which was read, and after some debate dismissed—and *Resolved* that a Committee of three be appointed to repair to said Hertford and hear the parties, and Report their opinion respecting dividing said town to the next Session—The Members chosen Mr Emmons<sup>1</sup>, Mr [Ebenezer] Curtiss and Mr Eli [Joel Ely].

The Case between Searles and Cleveland is referred until tomorrow morning.

An Act entitled “An Act to ascertain the current value of Continental bills<sup>2</sup> of credit in Spanish milled dollars in this State and of contracts made for the payment thereof in the several periods of its depreciation” was read, passed and sent up for concurrence.

*Resolved* that a Committee of three be appointed to ascertain in what manner this State will make up the depreciation &c. to Capt. Lee’s company and all other officers and soldiers to whom any money shall be due on the same account—and make Report to this House.

WHEREAS application hath been made to this Assembly by Samuel Taylor and Elias Olcott of Rockingham for a new tryal before the hon<sup>ble</sup>

1. Benjamn Emmons of Woodstock was a member of the Council in 1780.

2. The text of this act, which includes a table of comparative values of hard money and paper money, is found in Slade’s Vermont State Papers, pp. 429-430.

Superior Court of this State in an action of trespass brought against them by Reuben Jones Esq<sup>r</sup> of Chester—therefore

*Resolved* that the Superior Court be and they are hereby empowered to try said Cause anew<sup>l</sup>—the said Reuben Jones being first duly summoned or notified to attend said Court.

The Act entitled “An Act for dividing the first Regiment and establishing a seventh” passed this House yesterday was sent back from the Council with a new bill entitled

“An Act for dividing the first regiment and establishing a seventh, which was read, passed and sent up for concurrence in lieu of the aforesaid Act.

An Act entitled “An Act to settle and establish all High-Ways<sup>2</sup> that is laid out within this State” was read, passed and sent up for concurrence.

*Resolved* that the place for holding County Elections in the County of Orange be at M<sup>r</sup> Stephen McConnels in Mooretown [Bradford].

The Committee to whom was referred the petition of the widow Elizabeth Baldwin brought in the following Report viz. “That upon examination of the petition and the evidence that was produced that the prayer of the petition ought to be granted in part and that she have one hundred acres of the Right petitioned for granted to her which was the first division lot laid out on said right, on her procuring sufficient bonds to this State that her children should not become any charge to this State.

BENJ<sup>a</sup> WHIPPLE CH<sup>m</sup>”

The aforesaid Report was read and accepted and thereupon

*Resolved* that whereas the widow Elizabeth Baldwin late of wife of Isaac Baldwin of Strafford (who did, some time since join the enemy, and is now) deceased, has petitioned this Assembly praying for some Relief of her distresses, as the estate of her late husband Isaac Baldwin has been confiscated to the use of this State &c—Therefore

*Resolved* that the first division lott containing one hundred acres laid out on the original right of Ezekiel Jones which belonged to said Baldwin at the time of his joining the enemy situate and lying in said Strafford be and is hereby confirmed unto her the said Elizabeth Baldwin her heirs &c. in as full and firm a manner as if the said Isaac Baldwin had not joined the enemy—Provided the said Widow Baldwin gets sufficient sureties that she nor her children that she had by the said Baldwin shall not be a town county or State charge.

1. This is another illustration of the encroachment of the legislative department upon the domain of the judicial department.

2. Most of the highways in the State had been laid out by the Selectmen of the several towns or by special committees. In many instances these roads had not been surveyed by the compass and there was danger that litigation might arise. This act defined a legal highway and provided that future highway surveys (two years after the passage of the act) should be by compass.

WHEREAS it has been Represented by Daniel West in a petition to this Assembly that he purchased a third division lott of land lying in Strafford of Isaac Baldwin (being part of the original right granted to Ezekiel Jones) and paid the full value of the same to the said Isaac Baldwin who promised to give him a deed of said land but said Baldwin has since gone over and joined the enemy of this and the United States and did not give him a deed according to said promise; and said land is now become forfeited to this State by said Baldwins neglect—he the said Daniel West therefore prays that this Assembly would grant the said lott unto him, his heirs and assigns in as full and firm a manner as if the said Baldwin had given him a deed for said lott—Therefore

*Resolved* that said third division lott containing one hundred acres be and is hereby confirmed unto him the said Daniel West in as full and firm a manner as if the said Isaac Baldwin had given him a good and sufficient deed of said lott—And a copy of this Resolution being recorded in the town Clerks office in said Strafford shall be a good and sufficient title in law for the said 100 acre lott.

A petition signed John Brown was read and refered to a Committee of three to Report their opinion to the next Session. The members chosen M<sup>r</sup> [Abraham] Jackson, M<sup>r</sup> [Thomas] Rowley and M<sup>r</sup> [William] Ward 2<sup>d</sup>.

Adjourned until tomorrow morning nine o'clock.

*Wednesday Feb<sup>y</sup> 21<sup>st</sup> 1781*

The Committee appointed to take into consideration the depreciation that is due to the several officers and soldiers that have been in the Continental service that belong to this State brought in a Bill which was read passed and sent up for concurrence.

### WEDNESDAY Feb<sup>y</sup> 21<sup>st</sup> 1781

Met according to adjournment.

*Resolved* that a Committee of three be appointed to redraught the Bill for County Elections &c and make report—The members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Ebenezer] Curtiss and M<sup>r</sup> A. Robinson.

An Act entitled “An Act in addition to and alteration of a certain clause in the Act for regulating Proprietors<sup>1</sup> meetings”—was read passed and sent up for concurrence.

An Act entitled “An Act for the purpose of emmitting a sum of money and directing the redemption of the same”—was read.

*Resolved* that the land tax be ten shillings<sup>2</sup> on every hundred acres of land.

1. Meetings of the proprietors or grantees of townships were held prior to the organization of town governments.

2. The value of the Vermont shilling as fixed by an act passed in April, 1781, was equivalent to 16-2-3 cents, or six shillings to the dollar.—Slade's Vermont State Papers, p. 425.

A petition signed by Lieutenants James Hill and Lemuel Roberts was read and Refered to the Committee of Pay-Table for their adjustment and settlement.

*Resolved* that a Committee of five be appointed to prepare a Bill fixing and establishing Probate districts in the several Counties within this State—The members chosen Mr [Timothy] Bartholomew, Mr [Ebenezer] Curtiss Mr N. Robinson, Mr [Eli] Pettibone & Mr [Abraham] Jackson.

*Resolved* that a Committee of three to join a Committee from the Council be appointed to take into consideration the expediency of emmitting a sum of money and if they judge it necessary to bring in a Bill accordingly—The members chosen Mr [Matthew] Lyon, Mr [Stephen] Pearl & Mr [Abraham] Jackson.

An Act entitled “an Act for the division of Probate districts in the several Counties within this State was read passed and sent up for concurrence.

*Resolved* to Reconsider the Bill passed this day making good the depreciation to the Continental officers, soldiers &c.

Col<sup>o</sup> Stephen Pearl<sup>1</sup> desired to be dismissed as a member of the Board of War—granted.

The Governor and Council attending this House the case between Searles and Cleveland was taken under consideration and the Report was again Read and after some debate and hearing the parties the doors were shut.—And the said Report accepted and the question being put whether this Court will hear anew the petition and cause of William Searles against Johnson Cleveland it passed in the negative.—

The Committee appointed to confer with the Committee from the Convention brought in their Report which was read and ordered to ly on the table until tomorrow morning.

Adjourned until 8 <sup>o</sup>Clock tomorrow morning.

(THURSDAY Feb<sup>y</sup> 22<sup>d</sup> 1781

Met according to adjournment.

The Articles of Union contained on the Report of the Committee appointed to confer with the Committee from the Convention which was refered until this morning was again read, accepted and *Resolved* that the Articles of Union<sup>2</sup> agreed to and proposed by the Committee of this Legislature to the Committee of the Convention be and is hereby confirmed and this Assembly do pledge the faith of this State that said articles be held sacred.)

An Account exhibited by Joseph Thomson for supplying this house with coal [charcoal] candles &c was read and ordered,

1. For biographical sketch of Stephen Pearl see Governor and Council, Vol. 2, p. 44.

2. This resolution authorized the second union with New Hampshire towns. For further details see Governor and Council, Vol. 2, appendix H.

That the Treasurer be and is hereby directed to pay the same unto said Joseph Thomson.

**SAID REPORT IS PASSED** *Resolved* that the several Resolutions that have passed this House upon the petition of the suffering Proprietors of Royalton be and is hereby reconsidered—and the following Report<sup>1</sup> of the Committee appointed the 16<sup>th</sup> instant viz.

*Resolved* that the Act entitled "An Act ascertaining the current value of Continental Bills of credit in spanish mill'd dollars &c" be and is hereby reconsidered; and that a Committee of three be appointed to prepare a Bill for the purpose mentioned in the aforesaid Act—The members chosen Mr [Matthew] Lyon, Mr [Samuel] Bartlet and Col<sup>o</sup> [John] Strong.

Recorded see page 210.

An Act for quieting disputes concerning landed property, was read passed and sent up for concurrence.

The Committee appointed to prepare instructions for the Agents appointed to settle the line between this and the State of New-York<sup>2</sup> brought in their Report which and read, and

*Resolved* that the Governor and Council be and they are hereby requested to make out instructions to said Agents whenever it shall be judged necessary under such restrictions as they shall judge proper—for the benefit of this State.

The Committee appointed to wait on the Surveyor General and enquire if there is any vacant lands so situated as can be granted this Session brought in the following Report viz.—

"That on application made to the Surveyor General they find that there is a gore of land adjoining the township of Reedsborough [Readsboro] petitioned for by Col<sup>o</sup> W<sup>m</sup> Williams and others, and also another

1. This resolution does not appear in the text of the Journals. Apparently it was the intention of the Clerk to make the insertion later, but this was not done.

2. The New York Senate on Feb. 21, 1781, had voted with only one member opposing, that it was inexpedient to insist further on its right to jurisdiction over Vermont, and provided for the appointment of commissioners to meet representatives of Vermont to settle the terms regarding the relinquishment of the claim. The Assembly had voted to take up this Senate resolution, when a message was received from Governor Clinton, threatening to prorogue the Assembly if it should concur with the Senate in the matter o the Vermont resolutions. No further action was taken, and Vermont's admission to the union, which naturally would have followed a settlement with New York, was delayed for ten years. The Governor and Council of Vermont on March 7 declined to give instructions concerning the settlement of the boundary line.—Governor and Council, Vol. 2, pp. 266-273, 296-297.

3. No entry was made here giving the text of the bill to which reference is made in the margin. See pp. 229-230.

4. No entry was made giving the text of the resolution to which reference is made in the margin.

<sup>3</sup>A BILL  
GRANTING COL<sup>o</sup>.  
IRA ALLEN A  
QUANTITY OF  
LAND.  
<sup>4</sup>A RESOLVE ON  
CAPT. LEES  
PETITION  
PASSED THIS  
DAY

gore of land adjoining the town of Wallingsford petitioned for by Ab<sup>m</sup> Jackson Esq<sup>r</sup> and others and also a tract of land lying in the town of Whitingham petitioned for by M<sup>r</sup> Rob<sup>t</sup> Bratten and others that are in such a position as that they might be granted by this Assembly.

SAM<sup>l</sup> ROBINSON Ch<sup>m</sup>"

The aforesaid Report was read and accepted.

*Resolved* that the Committee's appointed to treat with the commanding officers in respect to moving the frontier lines be and they are hereby disolved.

On motion made the ballots were called for a member of the board of War in lieu of Col<sup>o</sup> [Stephen] Pearl who is dismissed—and

Col<sup>o</sup> GIDEON WARREN was elected.

A Resolve of the Convention of this day's date appointing a Committee to deliver the articles of Union to this House for their approbation and ratification was read and

*Resolved* that a Committee of three be appointed to wait on the Convention with the Articles of Union that have passed this House and likewise the articles that have passed the Convention which are ratified by this Legislature; and bring back the original Articles that have passed this House when ratified by the Convention—The members chosen M<sup>r</sup> [Samuel] Bartlet, M<sup>r</sup> [Stephen] Peal and M<sup>r</sup> [Elisha] Burton.

An Act entitled "An Act for the purpose of emmitting a sum of money"<sup>1</sup> was read passed and sent up for concurrence.

*Resolved* that the further consideration respecting the depreciation of Continental money &c. be refered until next Session.

Adjourned until tomorrow morning nine oclock.

FRIDAY FEB<sup>y</sup> 23<sup>d</sup> 1781

Met according to adjournment.

*Resolved* that M<sup>r</sup> [Joshua] Webb ly under censure of this Assembly until he renders sufficient reasons for absenting himself from this House.

*Resolved* that a Committee of three to join a Committee from the Council be appointed to prepare a Bill to make up the depreciation unto Col<sup>o</sup> Warner's Regiment and Capt. Lees Company and make Report—The members chosen M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> [Matthew] Lyon and M<sup>r</sup> E. Smith.

*Resolved* that the Superiour Court which stands adjourned to the second Tuesday of March next then to meet in Thetford be and is hereby adjourned until the first Tuesday of June<sup>2</sup> next then to meet in said Thetford, and all persons concerned are hereby directed accordingly.

A petition signed W<sup>m</sup> Post "praying that he might have a new hearing before the Superiour Court in a Case James Carver vs William Post

1. This measure was not enacted until the April session (1781), of the General Assembly.

2. This is another illustration of the power assumed by the General Assembly over the courts.

which judgment went against him in default at Tinmouth the last Session of the Superior Court" was read; and Thereupon,

*Resolved* that the Superior Court be and they are hereby empowered to hear a new trial upon the Case Joseph Carver against William Post, the said Post duly Citing or summoning the said Joseph Carver to attend said Court.

A petition signed by Col<sup>o</sup> W<sup>m</sup> Williams for himself and others praying for a new hearing before the Superior Court &c. was read and refered to a Committee of three to join a Committee from the Council and make Report—The members chosen M<sup>r</sup> [Hazaell] Shepherd, M<sup>r</sup> [Edward] Harris and M<sup>r</sup> [Jonathan] Knight.

*Resolved* that the tract or Gore of land lying and being situate on the east side of the township of Wallingford containing by estimation nine thousand seven hundred acres be and is hereby granted unto Abraham Jackson<sup>r</sup> Esq<sup>r</sup> and Company being thirty in number said tract of land to be annexed to, and incorporated with the town of Wallingford—And the Governor and Council be and they are hereby requested to make out a Charter of incorporation of said tract to the said Ab<sup>m</sup> Jackson and Company on such conditions and with such reservations as they shall judge necessary.

*Resolved* that the Resolution passed the 24<sup>th</sup> of Oct<sup>r</sup> last empowering the Secretary to get the several Acts, Proclamations &c. printed and promulgated be and is hereby reconsidered.

*Resolved* that Ezra Styles Esq<sup>r</sup> be and is hereby appointed and impowered to get the several Acts and Articles of Union that have passed this Session printed—and forward the same to Martin Powel Esq<sup>r</sup> of Manchester in the County of Bennington, Sol<sup>o</sup> Bingham Esq<sup>r</sup> of Tinmouth in the County of Rutland, Briant [Bryant] Brown Esq<sup>r</sup> of Windsor in the County of Windsor, Tim<sup>o</sup> Bartholomew Esq<sup>r</sup> of Thetford in the County of Orange and Nath<sup>l</sup> Robinson Esq<sup>r</sup> of Westminster in the County of Windham who are hereby requested to forward them to the several towns in their several Counties and soon as may be.

*Resolved* that the Widow Rachel Chaffee of Westminster in the County of Windham Administratrix on the estate of Autherton Chaffee late of said Westminster deceased be and is hereby fully authorized And impowered to sell and give a deed of conveyance of as much of the real estate of the said deceased as will amount to thirty pounds lawful money to pay the just debts of the said deceased and the necessary costs that will arise in the said sale.

WHEREAS there are several towns unrepresented in this Assembly through neglect of the proper officers for warning freemens meetings or some other reasons which does by no means interfere with their right of Representation; and

WHEREAS there is a Union formed or about to be formed between this State and the New-Hampshire grants east of Connecticut-River

1. For charter of and reference to Jackson's Gore see State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 105-106, 308.

and in case that Union proves to be agreeable to the people it will be necessary for them towns to be represented in this Assembly in their next Session—Therefore,

*Resolved* that the respective Constables of such towns on the west and east side of Connecticut River or the Selectmen where there are no Constables be and they are hereby impowered and desired to warn the freemen in their respective towns to meet at some convenient place in such town at least four days before the next Session of this Assembly for the purpose of chosing a Representative or Representatives for such town and it shall be the duty of the freemen then and there to attend and proceed to elect a Representative or Representatives according to law and the Representatives on the Grants east of Connecticut River shall be fairly intitled to seats in this Assembly on the said Unions appearing to be agreeable to the people according as is proposed in the Articles of said Union.

*Resolved* that the Clerk of this Assembly be and is hereby impowered to grant an Execution in the Case between W<sup>m</sup> Searles and Johnson Cleveland.

*Resolved* that the Clerk of this Assembly be allowed nine shillings p<sup>r</sup> day for his services during this Session.

*Resolved* that the Clerk of this Assembly deliver the several Acts that are to be printed to Ezra Styles Esq<sup>r</sup> upon his giving a Receipt to deliver the same when called for.

*Resolved* that Col<sup>o</sup> W<sup>m</sup> Williams be allowed Representatives pay for three days and two pence per mile for travelling fees.

WHEREAS Col<sup>o</sup> Ira Allen has from the formation of this State spent considerable part of his time at his own expence in the service of this State,—and WHEREAS he did petition at the last Session of this Assembly that there might be a Committee appointed to liquidate his accounts and that he together with his Associates might receive in a grant of land what might be found to be the ballance due which petition was granted—And WHEREAS the public exigences of this State has taken up Col<sup>o</sup> Allens time so that his accounts are not settled and he now being desirous that a grant should issue to himself and associates and it being necessary that some further surveys should be made before such lands can be particularly bounded for the safety of the State and grantees—Therefore

*Resolved* That this Assembly do hereby grant to Col<sup>o</sup> Ira Allen and Associates so much lands as may in the opinion of the Governor and Council be equal to the ballance that may be then his due in such place or places as the Surveyor General may return a survey Bill (in good form) and the Governor and Council are requested to make out a Charter or Charters under such regulations, reservations and restrictions as they may judge proper not exceeding the quantity of two townships six miles square each.

*Resolved* that this Assembly be and is hereby adjourned until the first Wednesday of April next then to meet at Bennington.

JOURNALS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THEIR ADJOURN'D SESSIONS HOLDEN AT WINDSOR, APRIL 1781



STATE OF VERMONT  
WINDSOR April 4<sup>th</sup> 1781

The General Assembly of this State met according to adjournment at this place.

On motion made,

*Resolved* that Col<sup>o</sup> EBENEZER WALBRIDGE be and is hereby appointed Speaker pro tem.—

There not being a quorum present adjourned until tomorrow morning nine oclock.

THURSDAY April 5<sup>th</sup> 1781

Met according to adjournment.

There not being a quorum present Adjourned until 2 oClock afternoon.

2 oClock P. M.

Met according to adjournment.

The following was delivered the Speaker by the Committee appointed for that purpose viz.

*"In Convention at Cornish Thursday April 5<sup>th</sup> 1781.*

*Voted* that a committee of three be appointed to wait on the Assembly of Vermont, now sitting at Windsor, to inform them of the state of the Returns from the towns on the east side of Connecticut River, and that the way is clear, on our part, for the proposed union, agreeable to the articles of the treaty, and to Request information whether the Assembly are Ready to Receive the members returned to sit in the Assembly, on the Unions taking place—The Committee chosen Col<sup>o</sup> [Elisha] Payne, M<sup>r</sup> [[Bezaleel] Woodward and Doct<sup>r</sup> [William] Page—Extract from the Minutes.

BEZA WOODWARD Clerk”

List of those towns east of Connecticut River, which have made returns, acceding to an Union with the State of Vermont: viz:—Hinsdale, Walpole, Surry, Gilsom, Alstead, Charlestown, Acworth, Lemster, Saville, Claremont, Newport, Cornish, Croydon, Plainfield, Grantham, Marlow, Lebanon, Grafton, Dresden Hanover, Cardigan, Lyme, Dorchester, Haverhill, Landaff, Gunthwait, Lancaster, Piermont, Richmond, Chesterfield, Westmoreland, Bath, Lyman, Morristown alias Franconia, and Lincoln—The Convention Have received no Returns of any town dissenting—ELISHA PAYNE, BEZA. WOODWARD, WILLIAM PAGE, Committee.”

The several Representatives were desired to give in the votes of the towns that they Represent, concerning the union; and the following towns were found to have voted to accept the same, agreeable to the Articles viz.—Shaftsbury, Arlington, Sandgate, Sunderland, Dorset,

Reuport [Rupert] Pawlet, Poultney, Castleton, Danby, Tinmouth, Rutland, Pittsford, Bethel, Pomfret Peacham, Fairlee, Guilford, Moortown [Bradford], Whitingham, Marlborough, New-Fane, Willmington, Putney, Westminster, Athens, Chester, Windsor, Reading, Thetford, Strafford, Barnard, Royalton, Sharon, Norwich & Hinsdale; and the following towns disapproved of the said Unions taking place; viz—

Bennington, Manchester, Clarendon, Dummerston, Londonderry, Woodstock and Hertford [Hartland].

NOTE—The following towns have not sent in their opinion viz—Wells, Wallingford, Townshend, Wethersfield, Cavendish & Hartford.

*Resolved* that a Committee of three be appointed to wait on the Convention, and inform them that the Union is agreed on by a major part of the towns in this State, agreeable to the Articles of Union as proposed; and that this Assembly will wait to receive the members returned to sit in this Assembly, on the Union's takeing place, tomorrow morning, nine oclock, to take their seats—The members chosen Mr [Ebenezer] Walbridge, Mr [Stephen R.] Bradley and Mr [Matthew] Lyon.”

The following Representatives produced their Credentials viz—Mr Arad Hunt, *Hinsdale*; Sam<sup>l</sup> Wells Esq<sup>r</sup> and Capt. Sam<sup>l</sup> Warren, *Brattleborough*; Stephen R. Bradley Esq<sup>r</sup> *Westminster*; Mr Miles Putnam *Thomlinson*; Col<sup>o</sup> Joel Marsh, *Bethel*; John W. Dana Esq<sup>r</sup> *Pomphret*; John Taplin Esq<sup>r</sup> *Corinth*; Maj<sup>r</sup> James Baley [Bailey] *Peacham*; Capt. Ward Baley [Bailey] *Guildhall*, *Maidstone* and *Lunenburgh*; Capt. Stephen McConnel *Moretown*: [Bradford] which were read and accepted and they took the necessary oaths (except Capt. Sam<sup>l</sup> Warren who did not attend) to quallify them to a seat in this House.

The Credentials and instructions of Col<sup>o</sup> Jacob Kent and Mr Josiah Page from Newbury were read and after some debate dismissed—and *Resolved* that Col<sup>o</sup> Kent be allowed a seat in this House (Mr Page being absent) as a Representative for Newbury—and he took the necessary oaths of quallification.

Mr Webb who was laid under censure of this House the last Session for withdrawing gave a reasonable satisfaction for so doing for which he is intitled to his seat.

Adjourned until 8 <sup>o</sup>Clock tomorrow morning.

FRIDAY April 6<sup>th</sup> 1781

Met according to adjournment.

A petition signed by Capt. Samuel Robinson was read and Referred until monday next two oclock afternoon.

A petition signed Thos<sup>s</sup> Ashley was read, granted and *ordered* that a bill be brought in accordingly.

A petition signed Roger Enos, William Gallup, Martin Cabbot a

Committee of the Freeholders of the town of Hertford [Hartland] was read and thereupon

*Resolved* that the said petition be referred to the next session of Assembly and that the Committee of the said freeholders be directed to notify all persons claiming lands in said town against said freeholders to attend said Assembly by publishing such notification in the Vermont Courant three weeks successively at least twenty days before the said next Session.

A petition signed by the Selectmen of the town of Athens was read and dismissed.

M<sup>r</sup> Woodward a Representative from the East side of Connecticut River informed this House that the Representatives elected in the several towns east of said River were waiting to take their seats agreeable to the Articles of Union and the order of the day—whereupon

*Resolved* that a Committee of three be appointed to wait on the Representatives returned to sit in this Assembly from the towns east of Connecticut River and introduce them to this House—The members chosen M<sup>r</sup> [Stephen R.] Bradley, M<sup>r</sup> [Ebenezer] Walbridge, and M<sup>r</sup> [Matthew] Lyon.—

The following are the several members chosen to Represent the towns east of Connecticut River, who were introduced by the aforesaid Committee, and produced their Credentials and took the necessary oaths to qualify them to a seat in this House viz—

Deacon Silas Thompson and Capt. Sam<sup>l</sup> King *Chesterfield*,  
 M<sup>r</sup> Absalom Peters *Landaff* Lieut. Jn<sup>o</sup> Stevens *Plainfield*  
 Capt. Josiah Russell *Plainfield*—M<sup>r</sup> Moses Whipple *Croyden*  
 Daniel Jones Esq<sup>r</sup> *Hinsdale*—Will<sup>m</sup> Ripley Esq<sup>r</sup> *Cornish*  
 M<sup>r</sup> Silas Gaskill and M<sup>r</sup> Daniel Cass—*Richmond*—  
 Doct<sup>r</sup> W<sup>m</sup> Page, Capt. Sam<sup>l</sup> Wetherbee *Charlestown*—  
 Thos<sup>s</sup> Russell Esq<sup>r</sup> *Piermont*—M<sup>r</sup> John Duncan *Acworth*—  
 M<sup>r</sup> Sam<sup>l</sup> Canfield *Marlow*—M<sup>r</sup> Moses True, *Saville*  
 Nath<sup>l</sup> S. Prentice Esq<sup>r</sup> *Alstead*—M<sup>r</sup> Elijah Frink *Lempster*  
 M<sup>r</sup> Wolston Brockway *Surry*—Benj<sup>a</sup> Giles Esq<sup>r</sup> *Newport*.  
 Deacon Matthias Stone, Capt. Oliver Ashley *Claremont*  
 Capt. Abel Stevens *N. Grantham*—M<sup>r</sup> Russel Mason *Grafton*  
 Col<sup>o</sup> Elisha Payne, Lieut. Elihu Hyde *Lebanon*—  
 Jon<sup>th</sup> Freeman Esq<sup>r</sup> Col<sup>o</sup> John House *Hanover*  
 M<sup>r</sup> Sawyer Bullock *Cardigan*;  
 Maj<sup>r</sup> Jon<sup>th</sup> Child, M<sup>r</sup> Walter Fairfield *Lime* [Lyme]  
 M<sup>r</sup> Davenport Phelps *Orford*  
 Col<sup>o</sup> Tim<sup>o</sup> Bedle, *Lyman, Moristown, Bath*,  
 Tim<sup>o</sup> Bedle Esq<sup>r</sup> and Maj<sup>r</sup> Joshua Howard *Haverhill*  
 M<sup>r</sup> John Young Jun<sup>r</sup> *Gunthwaite*  
 Bezaleel Woodward Esq<sup>r</sup> *Dresden*  
 Except Deacon Silas Thompson and M<sup>r</sup> Sawyer Bullock—  
 Adjourned until 2 oClock afternoon.

2 o'Clock P. M. met according to adjournment.

*Resolved* that a Committee of five to join a Committee from the Council be appointed to arrange the necessary business to be transacted during this Session and make Report—The members chosen Mr [Elisha] Payne, Mr [Stephen R.] Bradley, Mr [Benjamin] Whipple, Mr [Benjamin] Giles, Mr [Matthew] Lyon and Doct<sup>r</sup> [William] Page.

Mr Stephen Tilden delivered in an appointment of Gov<sup>r</sup> Marsh and himself as Representatives of the town of Hartford which were read, and referred to a Committee of five to take said appointment under consideration and make Report—The members chosen Mr [Ebenezer] Curtiss, Mr [Edward] Harris, Mr [Bezaleel] Woodward, Mr [Thomas] Murdock and Mr [Stephen R.] Bradley.

A petition signed Joseph Bradley Moderator and Abner Hill Town Clerk in behalf of the town of Sunderland was read and Referred to a Committee of three to join a Committee from the Council for their consideration and if they judge necessary to bring in a Bill according to the prayer thereof—The members chosen Mr [Timothy] Bedle, Mr [Stephen] Pearl and Mr [Ebenezer] Walbridge.

The Committee appointed last Session to take under consideration the petition of George Duncan brought in the following Report viz.

"That we your Committee cited said Utley on the 24<sup>th</sup> of Feby last to appear before your Committee on the 13<sup>th</sup> day of this instant March at the Court House in Westminster according to your Committees directions from the hon<sup>ble</sup> Assembly, and having examined said deed and other evidences are of opinion that the hon<sup>ble</sup> Assembly make an Act whereby said Duncan may come to a fair tryal with said Utley in some court of equity whereby justice might be had between the two parties.—

*State of Vermont Westminster March 14<sup>th</sup> 1781.*

JON <sup>TH</sup> KNIGHT	}	Committee"
JOSHUA WEBB		
NATH <sup>I</sup> ROBINSON		

The aforesaid Report was read and approved and

*Resolved* that a Committee of three be appointed to bring in a Bill accordingly—The members chosen Mr [Davenport] Phelps, Mr [John] Strong and Mr [Elisha] Payne.

"Your Committee appointed to take into consideration and Report their opinion on Sundry papers from the town of Hartford purporting a recall of the former Representatives of that town at the Assembly and an appointment of others to that office Report their opinion that the said town of Hartford was duly Represented in the Assembly of this State previous to and at the time of their appointment of members on the 27<sup>th</sup> of March last—which is humbly submitted by

EBEN<sup>R</sup> CURTISS, Chairman"

The aforesaid Report was Read and accepted.

On motion made,

*Resolved* that M<sup>r</sup> Jonthathan Cole of Westmoreland (who was a member of the Convention and it was expected by said town that he would have a seat in this House upon the Unions taking place) be admitted to a seat in this House—and he took the necessary oaths to qualify him to a seat.

A petition signed Zebulun Case was read and Referred to a Committee of three to join a Committee from the Council and make Report—The members chosen M<sup>r</sup> [Elijah] Frink, M<sup>r</sup> [Eli] Pettibone and M<sup>r</sup> [Jonathan] Child.

The Committee to whom was referred the arrangement of business to be transacted during this Session brought in the following Report viz. “That it is our opinion that—providing for the defence of the State against the common enemy—Regulating the Militia, as also the civil department so far as will be necessary on account of the late Union should take up the attention of the Legislature—

*Windsor April 6<sup>th</sup> 1781—I. ALLEN for COM<sup>ttee</sup>*

*Resolved* that the above Report be accepted.

*Resolved* that a Committee of seven to join a Committee from the Council be appointed to take into consideration the measures to be taken for the defence of this State against the common enemy agreeable to the above Report—and Report their opinion—The members chosen M<sup>r</sup> [Timothy] Bedle, M<sup>r</sup> [Jonathan] Child M<sup>r</sup> [Elisha] Burton, M<sup>r</sup> [Jacob] Kent, M<sup>r</sup> [Nathaniell] Prentice, M<sup>r</sup> [Bezaleel] Woodward and M<sup>r</sup> [Matthew] Lyon.

Adjourned until eight o'clock tomorrow morning.

SATURDAY April 7<sup>th</sup> 1781

Met according to adjournment.

*Resolved* that the Clerk of this Assembly send a summons to the Constables of each town that is not Represented in this Assembly on the east side Connecticut River directing them forthwith to warn the freeholders &c. to meet at some suitable place and there to choose a Representative or Representatives to sit in this Assembly as soon as may be.

*Resolved* that a Committee of nine be appointed to take into consideration the situation of the militia east of the Green Mountains and bring in a Bill for arranging, making, confirming, and establishing the lines of the several Regiments—The members chosen M<sup>r</sup> [Samuell] King, M<sup>r</sup> [Nathaniell] Prentice, M<sup>r</sup> [Elisha] Payne, M<sup>r</sup> [Timothy] Bedle, M<sup>r</sup> [Elisha] Burton, M<sup>r</sup> [William] Williams M<sup>r</sup> [Ebenezer] Curtiss, M<sup>r</sup> [Stephen R.] Bradley and M<sup>r</sup> [Matthew] Lyon.

An Act entitled “An Act to impower the Courts in this State to take cognizance of and try the title of land in dispute between George Duncan and William Utley” was read, passed and sent up for concurrence.

M<sup>r</sup> [Joshua] Webb desired leave of absence until monday next granted.

*Resolved* that a Committee of three to join a Committee from the

Council be appointed to make an addition to an Act entitled "An Act directing the payment of the militia when called out in service"—The members chosen Mr [Stephen] Pearl, Mr [John W.] Dana and Mr [John] House.

Doct<sup>r</sup> [William] Page and Mr Ebn<sup>r</sup> Parkhurst desired leave of absence until monday next—granted.

Adjourned until 2 oClock afternoon

2 oClock P. M. Met according to adjournment.

A petition signed by Serjt Abel Rice, Asa Pratt, Francis Ashley, Nath<sup>l</sup> Carpenter and Jeduthan Roberts was Read and Referred to a Committee of three to join a Committee from the Council to take the same under consideration and Report their opinion the members chosen Mr [Benjamin] Giles, Mr James Bayley and Mr [Davenport] Phelps.

A petition signed Cornelius Miller was read and Referred to the above Committee.

On motion made,

*Resolved* that such members as are called Quakers who make conscience of wearing their Hats in all places be and are hereby allowed to wear their hats in this House.

*Resolved* that a Committee of five be appointed to prepare a Bill to repeal an Act entitled "An Act in addition to An Act entitled An Act directing and levying executions—The members chosen Mr [Bezaleel] Woodward, Col<sup>o</sup> [John] Strong Mr [Davenport] Phelps, Mr [Edward] Harris and Mr [William] Ward.

The Committee to whom was Referred the petition of Serjt Abel Rice, Asa Pratt, Francis Ashley, Nath<sup>l</sup> Carpenter and Jeduthan Roberts brought in the following Report viz—"That 'tis the opinion of your Committee the depreciation due said soldiers does not at present come under the consideration of this State; but that their demand is properly on the State of New-Hampshire. JOSEPH BOWKER for Com<sup>ttee</sup>".

The aforesaid Report was Read and Accepted.

The Committee to whom was Referred the petition and account of the Committee appointed to build fort Warren last Session brought in their Report which was read and dismissed. and

*Ordered* that said account be Referred to the Committee of Pay-Table for their adjustment and settlement.

Adjourned until Monday morning nine oclock.

MONDAY April 9<sup>th</sup> 1781

Met according to adjournment.

*Resolved* that a Committee of nine to join a Committee from the Council be appointed to take into consideration the situation of the Counties in the Easterly part of this State, and Report their opinion to this House Respecting the same—The members chosen Mr [Elisha] Payne, Mr [Edward] Harris, Mr [Nathaniel] Prentice, Mr [Benjamin]

Giles M<sup>r</sup> [Stephen R.] Bradley, M<sup>r</sup> [Ebenezer] Curtiss, M<sup>r</sup> [Timothy] Bedle, M<sup>r</sup> [Samuel] King and M<sup>r</sup> [Bezaleel] Woodward.

An Act entitled "An Act in addition to an Act for forming and Regulating the Militia" was Read and Referred back to the Committee who prepared the same for alteration and amendment.

A petition signed Amos Robinson was read Referred until Wednesday next for consideration.

Adjourned until 2 o'Clock afternoon.

2 o'Clock P. M. Met according to adjournment.

*Resolved* that there be two members added to the Committee appointed to take under consideration the Counties in the Easterly part of this State—The members chosen M<sup>r</sup> [Abner] Seelye and M<sup>r</sup> [John] House.

WHEREAS a Memorial has been presented to the Legislature of his State by Thomas Ashley Administrator to the Estate of Isaac Ashley late of Poultney deceased setting forth that there is not sufficient moveable estate of the deceased to pay the just debts due from said estate by the sum of fifteen pounds, seventeen shillings and ten pence, praying that this Assembly will grant liberty to the said Thos<sup>s</sup> Ashley Administrator to sell so much of the Real estate of the said Isaac Ashley deceased as will pay the aforesaid sum of fifteen pounds, seventeen shillings and ten pence with incidental charges which sum appears due from said estate by a Certificate from under the hand of the hon<sup>b1e</sup> Joseph Bowker Esq<sup>r</sup> Judge of Probate for the District of Rutland which Certificate and memorials are on file—therefore,

*Resolved* that Thomas Ashley Administrator to the Estate of Isaac Ashley late of Poultney deceased be and is hereby directed to make sale of so much of the Real estate of the deceased as will pay the sum of fifteen pounds, seventeen shillings and ten pence with the incidental charges it being a ballance due to the Creditors of said Estate as may appear on file.

The Committee to whom was referred the petition of Cornelius Millen brought in their Report which was Read and dismissed and Ordered that a Committee of three to join a Committee from the Council be appointed to take said petition under consideration and make Report to this House of their opinion. The members chosen M<sup>r</sup> E. Smith, M<sup>r</sup> [William] Williams and M<sup>r</sup> [Josiah] Russell.

A petition signed by Capt. Samuel Robinson was read and Referred until the next Session.

A petition signed Ichabod Foster was read, and,

*Resolved* that a deed of one hundred acres of land in the town and County of Rutland executed by Elijah Osborn to Ichabod Foster dated the twenty-first day of July 1770 witnessed by Benj<sup>a</sup> Spencer and Tho<sup>s</sup> Green be ordered to be Recorded in the proper office (with a copy of this Resolution) and to be considered good and valid in law to all intents and purposes as tho the said deed had been acknowledged by the said Osburn to have been his free Act.

*Resolved* that a Committee of five to join a Committee from the Council be appointed to prepare a Bill pointing out the office and duty of the County Court and make Report—The Members chosen Mr [Stephen] Pearl, Mr [Matthew] Lyon, Mr [William] Page Mr [Benjamin] Giles, and Mr [Elisha] Payne.

*Resolved* that a Committee of two be appointed to wait on his Excellency the Governor and enquire what number of Law-Books there is on hand that can be furnished to those towns that are destitute—The members chosen Mr [Ebenezer] Walbridge, & Mr [John] Duncan.

Adjourned until tomorrow morning 8 o'clock.

TUESDAY April 10<sup>th</sup> 1781

Met according to adjournment.

The House formed themselves into a Committee of the whole with the Governor and Council to take into Consideration the several petitions from the inhabitants of Cambridge Campden, Granville, Skeensborough &c. [New York towns].

The Committee of the whole having adjourned—The House formed and the Speaker Resumed the Chair.

Adjourned until 2 o'Clock afternoon.

Two o'Clock P. M.

Met according to adjournment.

The Committee to whom was Referred the petition of Cornelius Millen brought in the following Report viz.

"That as there is no evidences adduced to prove the facts alledged in said petition it is our opinion that the same ought to be dismissed—  
BENJ<sup>a</sup> CARPENTER Chairman."

The Aforesaid Report was Read and accepted.

The Committee to whom was appointed to take into consideration the situation of the Counties on the easterly part of this State brought in their Report which was Read and after some debate was dismissed.

Mr Oliver Ashley [of Claremont] produced his Credentials and took the necessary oaths to qualify him to a seat in this House.

*Resolved* that a Committee of three be appointed to distribute the Laws to the several Representatives of such towns as are destitute of Law-Books—The members chosen Mr [Ebenezer] Walbridge, Mr [John] Duncan and Mr [Samuel] King.

*Resolved* that a Committee of three be appointed to prepare a Bill empowering and directing the Sheriffs in the several Counties to promulgate the several Acts of Assembly, Proclamations &c. that shall pass this Legislature among the people and make Report; the members chosen Mr [Thomas] Murdock, Mr [William] Ward and Mr [Stephen R.] Bradley.

A petition signed Oliver Taylor was Read and Referred to a Committee of three to take the same under consideration and Report their

opinion—The members chosen Mr [Benjamin] Whipple, Mr [Stephen] Pearl, and Mr A. Robinson.

*Resolved* that a Committee of three be appointed to prepare a bill for making a standard for weights and measures and make report; The members chosen Mr E. Smith, Mr J. Bayley and Mr [Woolston] Brockway.

The petition of Amos Robinson which was referred for further consideration was again Read, and dismissed.

Mr [Abel] Mattoon desired leave of absence—granted.

An act for discharging certain persons from the duties therein mentioned, which was Referred from the last Sessions, was Read and Ordered that Mr [Bezaleel] Woodward be and is hereby desired to Redraught said Act and make such necessary alterations as he shall think best.

Adjourned until 8 o'clock tomorrow morning.

“WEDNESDAY April 11<sup>th</sup> 1781

Met according to adjournment.

Agreeable to the order of the day, the House formed themselves into a Committee of the whole, with the Governor and Council.—Said Committee having dissolved, the Speaker Resumed the Chair.

The Committee of the whole made the following Report of a Sub-Committee viz—

“To the Grand Committee, consisting of his Excellency the Governor, the hon<sup>ble</sup> The Council and the General Assembly.

“Your Committee, to whom was Referred the consideration of the several petitions and letters from the inhabitants of Granville, Cambridge &c, Requesting this State to exercise jurisdiction over them, for the reasons therein specified, beg leave to Report.

“That the Legislature of this State do Recommend to the people inhabiting that part of the former government, over which Gov<sup>r</sup> Philip Skene<sup>1</sup> was to preside, to which this Legislature at their Session in Feby last, laid a jurisdictional Claim, to appoint members to attend a Convention, at Cambridge, the second Wednesday of May next: That the Legislature of this State appoint a Committee to meet said Convention, at said time and place: that said Convention and Committee, take into consideration the defense of the frontiers, and if they can mutually agree on articles of union, that then such Convention proceed to Resolve to Raise their quota of men, for the defense of the frontiers, with a proper proportion of officers, which shall be returned to the board of

1. It is asserted that shortly before the outbreak of the American Revolution a movement was started to form a new colony to include that part of the present State of New York north of an extension of the northern line of Massachusetts, westerly to the Hudson River, and the present State of Vermont, with Philip Skene of Skeneborough (Whitehall), N. Y., as Governor. See Governor and Council, Vol. 2, p. 370; Vermont Historical Society Collections, pp. 360-361.

War, and commissioned in the same manner that the troops heretofore ordered to be Raised for the present defence of this State are; and do duty in the same manner: that, in case said Convention and Committee do agree on articles of union, raising men &c, then such articles of union shall be transmitted to the several districts in said claim; when the people of said district are requested, (provided they agree to such articles of union) to choose members to attend this Assembly; except such districts had instructed their member or members, in case articles of union were agreed on, that their members should be impowered to take seats in this Assembly; that, in case two thirds of the districts, in district-meeting, choose members as aforesaid, that then, such members shall take their seats in this Assembly: that this Assembly adjourn to the second Wednesday of June next, at Bennington—Windsor April 11<sup>th</sup> 1781.

JOHN FASSETT Chairman'

*'In Grand Committee, April 11<sup>th</sup> 1781.*

The above Report was Read and accepted.

ATTEST JOSEPH FAY Clerk'.

The aforesaid Report was Read, and after some debate the question was put and the Yeas & Nays were requested and they are as follows viz—

YEAS 48

M<sup>r</sup> Walbridge  
M<sup>r</sup> Lyon  
M<sup>r</sup> Petibone  
M<sup>r</sup> Ormsby  
Col<sup>o</sup> Strong  
M<sup>r</sup> Harmon  
M<sup>r</sup> Pearl  
M<sup>r</sup> Fitch  
M<sup>r</sup> Moss  
M<sup>r</sup> Ward  
M<sup>r</sup> Higley  
M<sup>r</sup> Rowley  
M<sup>r</sup> Jackson  
M<sup>r</sup> J. Smith  
M<sup>r</sup> E. Smith  
M<sup>r</sup> B. Whipple  
M<sup>r</sup> Post  
M<sup>r</sup> Drury  
M<sup>r</sup> Harris  
M<sup>r</sup> Underwood  
M<sup>r</sup> Bratten  
M<sup>r</sup> Burlinggame  
M<sup>r</sup> Weston  
M<sup>r</sup> Eli  
M<sup>r</sup> Weld

NAYS 39

M<sup>r</sup> Shepherd  
M<sup>r</sup> Knight  
M<sup>r</sup> N. Robinson  
M<sup>r</sup> Holton  
M<sup>r</sup> Curtiss  
M<sup>r</sup> C. Parkhurst  
M<sup>r</sup> Burton  
M<sup>r</sup> Marsh  
M<sup>r</sup> J. Baly  
M<sup>r</sup> Dana  
M<sup>r</sup> Kent  
M<sup>r</sup> Payne  
M<sup>r</sup> Woodward  
M<sup>r</sup> Bedle  
M<sup>r</sup> Prentice  
M<sup>r</sup> Child  
M<sup>r</sup> Hyde  
Doct<sup>r</sup> Page  
M<sup>r</sup> Phelps  
M<sup>r</sup> Ripley  
M<sup>r</sup> House  
M<sup>r</sup> J. Russel  
M<sup>r</sup> Fairfield  
M<sup>r</sup> Freeman  
M<sup>r</sup> Wetherbee

M <sup>r</sup> Seelye	M <sup>r</sup> Howard
Capt. Strong	M <sup>r</sup> Stone
M <sup>r</sup> Cottle	M <sup>r</sup> Thos Russell
M <sup>r</sup> Sprague	M <sup>r</sup> King
M <sup>r</sup> A. Robinson	M <sup>r</sup> Mason
M <sup>r</sup> J. Powell	M <sup>r</sup> True
M <sup>r</sup> Foster	M <sup>r</sup> Hunt
M <sup>r</sup> Murdock	M <sup>r</sup> Canfield
M <sup>r</sup> Spooner	M <sup>r</sup> Duncan
M <sup>r</sup> Aikin	M <sup>r</sup> A. Stevens
M <sup>r</sup> Bradley	M <sup>r</sup> Peters
M <sup>r</sup> Putnam	M <sup>r</sup> Cass
M <sup>r</sup> Taplin	M <sup>r</sup> Cole
M <sup>r</sup> W. Baley	M <sup>r</sup> Ashley
M <sup>r</sup> M <sup>c</sup> Connell	
M <sup>r</sup> Wells	
M <sup>r</sup> Giles	
M <sup>r</sup> J. Stevens	
M <sup>r</sup> Brockway	
M <sup>r</sup> Frink	
M <sup>r</sup> M. Whipple	
M <sup>r</sup> Young	
M <sup>r</sup> Gaskill	

So it passed in the affirmative<sup>1</sup>.

*Resolved* that a Committee of two, to join a Committee from the Council, be appointed, to prepare a Bill agreeable to the aforesaid Report, and make Report to this House—The members chosen M<sup>r</sup> [Matthew] Lyon and M<sup>r</sup> [Samuel] Wells”)

Adjourned until 2 o’Clock afternoon.

Met according to adjournment.

An Act entitled “An Act in addition to an Act for forming and regulating the Militia” was read passed and sent up for concurrence.

An Act entitled “An Act in addition to an Act entitled an Act for the division of Counties<sup>2</sup>” was read, passed and sent up for concurrence.

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1. An analysis of this division shows that the negative vote was made up of 27 Representatives from towns recently a part of New Hampshire, and 12 from towns east of the Green Mountains. All the Representatives from the towns west of the Green Mountains voted in the affirmative, and 7 Representatives from former New Hampshire towns, and 23 from Vermont towns east of the mountain line made up the affirmative vote. Not only did the New York Union enlarge the new State, but it also served to prevent what sometimes has been called the Dartmouth College party from gaining control of the Vermont government. Had all the “East Side” Representatives allied themselves with the members from former New Hampshire towns they would have had a majority in the General Assembly, but the division was not strictly along geographical lines.

2. All the New Hampshire towns in the “East Union,” opposite Orange County were annexed to that county; all the towns opposite Windsor County were joined to it; and all the towns of this “Union” south of the northerly lines of Claremont, Newport, Union and Wendal were to be erected into a new division to be known as Washington County. These groupings were made “for the time being.”—Slade’s Vermont State Papers, p. 427.

*Resolved* that there be a Committee of three appointed to prepare a bill for numbering the Regiments in the first Brigade—The members chosen M<sup>r</sup> E. Smith, Col<sup>o</sup> [John] Strong, and M<sup>r</sup> [Ebenezer] Walbridge.

(“*Resolved* that a Committee of six, to join a Committee from the Council, be appointed to meet a Convention to be held on the second Wednesday of May next, at Cambridge, [N. Y.] for the purposes specified in a Report of a Committee of both Houses, of this days date; and that a majority of such Committee are hereby empowered to transact the business pointed out for the said Committee in said Report, and make report of their doings to the next Session, for their approbation—The members chosen, M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> [Thomas] Porter, M<sup>r</sup> [William] Williams, M<sup>r</sup> [Nathaniel] Prentice, M<sup>r</sup> [Ebenezer] Curtiss and M<sup>r</sup> [Jonathan] Child.”

An Act entitled “An Act for altering and amending an Act directing the payment of Militia when called out into service” was read, passed and sent up for concurrence.

A petition signed Daniel Tillotson was read and Referred to the Governor and Council for their consideration.

The Committee to whom was referred the petition of Col<sup>o</sup> Barrett and others praying for a lottery to build bridges &c. brought in the following Report viz.

“That it is our opinion to make Lotteries in this State in such cases it will be disadvantageous as there are a number of large streams in this State that are needed to be bridged that if a lottery should be granted on said petition many more would take encouragement thereby which if granted would make State tickets as plenty as Continental money was in the height of its flood and they possibly depreciate as fast.

JOHN THROOP CH<sup>m</sup>”

The aforesaid Report was Read and accepted.

M<sup>r</sup> [Stephen R] Bradley desired leave to bring in a bill empowering Sheriffs to be Goalers [Jailers] &c and a bill empowering Judges of the Superior and county Courts &c. Justices of the peace—granted.”

*Resolved* that a Committee of three be appointed to wait on the board of War and enquire of them the situation of said Board and make Report—The members chosen M<sup>r</sup> [Elisha] Payne, M<sup>r</sup> [William] Fitch and M<sup>r</sup> [William] Page.

*Resolved* that this House will proceed to choose Brigadier Generals for each Brigade tomorrow morning.—

Adjourned until 8 <sup>o</sup>Clock tomorrow morning.—

THURSDAY April 12<sup>th</sup> 1781

Met according to adjournment.

Agreeable to the order of the day proceeded to choose by ballot Brigd<sup>r</sup> Generals for each Brigade—The ballots being taken, General ETHAN ALLEN<sup>1</sup> for the first

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1. For biographical sketch of Ethan Allen see Hemenway's Vermont Gazetteer, Vol. I, pp. 560-574.

Gen<sup>l</sup> BENJ<sup>a</sup> BELLOWS<sup>1</sup> for the second and  
Col<sup>o</sup> PETER OLCUTT<sup>2</sup> for the third Brigades

were chosen and are hereby appointed Brigadier Gen<sup>ls</sup> for the Brigades aforesaid.

An Act entitled "An Act in addition to and alteration of an Act for forming and Regulating the militia" which passed this House yesterday and sent up to the Council for concurrence was by them sent back, and that a bill be brought in numbering the Regiments throughout the State.

Therefore *Resolved* that a Committee of six be appointed to number the Regiments throughout the State and bring in a Bill accordingly—The members chosen M<sup>r</sup> [Stephen] Pearl, Col<sup>o</sup> [John] Strong, M<sup>r</sup> [Oliver] Ashley M<sup>r</sup> [Samuel] King, M<sup>r</sup> N. Robinson and M<sup>r</sup> [Abner] Seelye.

*Resolved* That a Committee of five be appointed to prepare a Bill establishing the Probate Districts on the east side of Connecticut River and make Report—The members chosen M<sup>r</sup> [Elisha] Payne, M<sup>r</sup> [Benjamin] Giles, M<sup>r</sup> [Abel] Stevens, M<sup>r</sup> [Davenport] Phelps and M<sup>r</sup> [Jonathan] Cole.

Adjourned until 2<sup>o</sup>Clock afternoon.

Two o'clock P. M. Met according to adjournment.

Lieut. John Graves a Representative of the town of Walpole produced his credentials and took the necessary oaths to qualify him to a seat in this House.

The Committee to whom was referred the petition of Oliver Taylor brought in the following Report viz.

"That it is our opinion that said Taylor ought to be confirmed in the title of the land that he agreed with Zadock Right Esq<sup>r</sup> for that is within the bounds of the survey of said lott, except so much of said lott as is taken by preambulating and establishing the line between the town of Hertford [Hartland] and Hartford and as we cannot at present come at the knowledge of the quantity of the land taken of by said line until there be another survey made. Therefore it is our further opinion that said petition be Referred over to the next Session of Assembly that said Taylor may have opportunity of making a return of the survey of said land to ascertain what of right he ought to be confirmed in the title by this Assembly.—

BENJ<sup>a</sup> WHIPPLE CH<sup>m</sup>"

The aforesaid Report was read and accepted and said petition is hereby ordered to be Referred until the next Session accordingly.

The Committee appointed to take into consideration the measures to be taken for defending this State against the common enemy brought in there Report which was read passed and sent up for concurrence.

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1. For biographical sketch of Benjamin Bellows, for whom the waterfall and village of Bellows Falls were named, see Governor and Council, Vol. 2, p. 89.

2. For biographical sketch of Peter Olcott, see Governor and Council, Vol. 1, p. 241.

## APRIL SESSIONS 1781

"To the Honorable General Assembly of the State of Vermont.

"Your Committee appointed to take into consideration the measures to be taken for defending this State against the common Enemy beg leave to Report—That they conceive it necessary that one thousand five hundred men including officers be employed in defence of the northern frontiers of this State against the common enemy the ensuing season—That they find seven hundred men including officers are already ordered to be raised in the territory west of Connecticut River; and recommend that three hundred and ten men including a suitable proportion of officers be raised in the territory east of Connecticut River to be apportioned to the several Regiments and parts of Reg'ts as follows viz.

	Capt.	Lieut.	Nons & Privates
1 <sup>st</sup> Reg't in the	2 <sup>d</sup> Brigade	I	30
4 <sup>th</sup> d°	d°	I	2
1 <sup>st</sup> Reg't in the	3 <sup>d</sup> Brigade East of the River	2	43
2 <sup>d</sup> d°	d°	0	47
3 <sup>d</sup>	d°	I	47
	Capt's.	Lieuts.	Non's &
total	4	8	295 Privates

"That there be an addition of a suitable number of persons to the board of War from the east side of Connecticut River—That those members of the Board of War on the West side of the mountains have direction in Respect to the particular station of the men ordered by a quorum of the whole Board to be stationed west side of the mountains—And the members of the Board east of the mountains have direction of the particular station of the men ordered by a quorum of the whole Board to be stationed on the frontiers contiguous to Connecticut River—That matters in which a majority of either part of the Board of War cannot agree shall be determined by a quorum of the whole Board to be convened by the President on application of a majority of either part, or when he shall judge necessary. "That the Board of War be directed and empowered at discretion to raise such number of voluntiers by County from the state as shall amount to 1500 (including such men as have been or shall be raised by other measures already adopted by the state)—And that the whole be divided into two Regiments to be properly officered and stationed in such proportion on the East and West sides of the mountains as a quorum of the whole shall from time to time direct—"that in apportionment of the men to be raised on the east side of the River particular regard be had by the officers who shall make the proportion to the several towns and that they make Reasonable abatement to the towns for such men as they now have in Continental service. And—That in order to defray the expense of defending the frontiers in the manner before mentioned they conceive it necessary

that the Assembly at their present Session devise ways and means to supply the Treasury with a sum not less than £30,000 lawful money—Ira Allen for the Committee."

The aforesaid Report was Read and passed April 12<sup>th</sup> 1781—

*Resolved* that a Committee of six to join a Committee from the Council be appointed to take into consideration the methods to be taken to supply the treasury and Report their opinion thereon—The members chosen Col<sup>o</sup> [John] Strong, M<sup>r</sup> [Benjamin] Whipple, M<sup>r</sup> [Edward] Harris, M<sup>r</sup> [Ebenezer] Curtiss, M<sup>r</sup> [Oliver] Ashley and M<sup>r</sup> [Abner] Seelye.

*Resolved* to add two members to the Board of War and that this House will proceed to choose them tomorrow morning.

On motion made by M<sup>r</sup> [Bezaleel] Woodward.

*Resolved* that the accounts of those persons who have advanced necessary supplies to Militia (not belonging to the towns wherein such supplies have been advanced) who have gone out for the defence of this State on alarms be exhibited to the Board of Pay-Table for adjustment, and that they give orders on the Treasurer for payment for such as they shall find to be well vouched, and those of such kind as shall appear to them reasonable to be liquidated without being deferred to a future period.

Copies of two letters<sup>1</sup> dated at "New York March 30<sup>th</sup> 1780" and "Feb<sup>y</sup> 2<sup>d</sup> 1781" signed "Bev: Robinson<sup>2</sup> Col<sup>o</sup> Loy<sup>1</sup> American Reg<sup>t</sup>" and directed to "Col<sup>o</sup> Ethan Allen" which were attested as true copies by "Ira Allen and M. Lyon" also a copy of a letter from General Allen to "Sam<sup>l</sup> Huntington Esq<sup>r</sup> President of Congress" which enclosed the original Letters from Bev: Robinson were laid before this House and Read—whereupon his Excellency the Governor requested that the minds of the House might be taken whether the proceedings of the Governor, Council and Gen<sup>l</sup> Allen were agreeable or approved by them—which question being put passed in the Affirmative.

Adjourned until eight o'clock tomorrow morning.

FRIDAY April 13<sup>th</sup> 1781

Met according to adjournment.

Agreeable to the order of the day proceeded to choose two members in addition to the Board of War—the Ballots being taken Col<sup>o</sup> TIM<sup>o</sup> BEDLE and Capt. EBEN<sup>r</sup> BREWSTER were unanimously chosen.

*Resolved* that a Committee of two to join a Committee from the

1. These letters form a part of the Haldimand negotiations, so-called, (see note p. 145). Copies of the two letters to which reference is made may be found in Governor and Council, Vol. 2, pp. 397-398 and 405-406, respectively. Ethan Allen's letter to the President of the Continental Congress appears on pp. 406-407 of the same volume.

2. Beverly Robinson, a Loyalist officer, conducted the negotiations whereby Benedict Arnold was induced to become a traitor. For biographical sketch see Governor and Council, Vol. 2, p. 398.

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Council be appointed to arrange the necessary business that they shall judge Requisite to be done this present Session—The members chosen M<sup>r</sup> [Elisha] Payne and M<sup>r</sup> [Ebenezer] Walbridge.

*Resolved* that a Committee of four be appointed to make up a debt-burthen for the present Session—The numbers chosen M<sup>r</sup> [Thomas] Rowley M<sup>r</sup> E. Smith, M<sup>r</sup> [Jonathan] Freeman and M<sup>r</sup> [Reuben] Harmon.

The following is a Resolution of the Council viz.

*"In Council Windsor 12<sup>th</sup> April 1781.*

*Resolved* that the time for making out the Charter of Brookfield be postponed until the Session of Assembly in October next.

"Extract from the Journals Jos. FAY Secy"

The aforesaid Resolution was read and approved, and thereupon

*Resolved* that the petition of Dan<sup>l</sup> Tillotson and Associates be referred to the Session of Assembly in October next and that the petitioner notify M<sup>r</sup> [Phineas] Lyman to whom the township of Brookfield was granted that this Assembly will then hear the matter of said petition.

An Act for apprehending deserters was read and referred until the next Session for further consideration.

A petition signed Abel Thomson Benjamin De Forest and sixty others was read granted and thereupon

*Resolved* that there be and hereby is granted unto Abel Thomson [Thompson] and Company being sixty in number whose names are contained in a schedule annexed to a petition exhibited to this Assembly a township of Land situate and lying in this State to contain twenty-four thousand acres, and to ly adjoining the towns of Middlebury, Salisbury and Leister and to cover part of the land Gov<sup>r</sup> Dunmore is said to have granted to himself, that the Surveyor general be directed to locate said grant to said Thompson and Company accordingly.

And that the Governor and Council be and they are hereby requested to make out a charter of incorporation of said township by the name of RIPTON<sup>1</sup> to the said Thompson and Company under such conditions, restrictions and reservations as they shall judge best.

*Resolved* that the militia on the east side of Connecticut River that proceeded in defence of the frontiers of this State last October and since at times of alarms shall have the same pay for travil, time and vitteling as those on the west side of said River, notwithstanding there not then being within this State and that they apply and receive their pay in like manner.

The Committee to whom was referred the numbering the Regiments throughout the State brought in a Bill for that purpose which was read passed and sent up for concurrence.

A petition signed by a number of the inhabitants of Londonderry praying for relief in making and Repairing Roads &c. was read, granted and ordered that a Bill be brought in accordingly.

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The Committee to whom was referred the petition of John Brown Reported that they have not been able to enquire into the facts as mentioned into said petition—Therefore,

*Resolved* that said petition be referred back to the said Committee and that they Report their opinion to the next Session.

M<sup>r</sup> [Thomas] Porter desired to be dismissed as one of the Commissioners or auditors to settle Public accounts as appointed Nov<sup>r</sup> last—Granted.

*Resolved* That Doct<sup>r</sup> Reuben Jones be and is hereby dismissed as one of the said Commissioners by reason of his having Public accounts to settle.

*Resolved* That Capt. MATTHEW LYON and Col<sup>o</sup> SAM<sup>l</sup> WELLS be and they are hereby appointed Commissioners or auditors in the room of Mess<sup>rs</sup> Porter and Jones.

An Act entitled “An Act to impower the Sheriffs and Constables where their is no Goals [jails] to committ persons to Goal [jail] in another County,” was read, passed and sent up for concurrence.

The Committee to whom was referred the petition of the town of Hertford respecting a division of said town, brought in their Report which was read and dismissed and said petition be and is hereby referred until the next Session for further consideration.

*Resolved* That a Committee of seven be appointed to confer with the Governor and Council respecting the appointing of County officers east of Connecticut River and Field officers in the Regiments now vacant and make Report to this House—The members chosen M<sup>r</sup> [Elisha] Payne, M<sup>r</sup> [Gideon] Ormsby, M<sup>r</sup> [Nathaniel] Prentice, M<sup>r</sup> [Bezaleel] Woodward, M<sup>r</sup> [Stephen] Pearl, M<sup>r</sup> [William] Page and M<sup>r</sup> [Benjamin Giles].

*Resolved* That a Committee of five be appointed to prepare a Bill pointing out a method to furnish provisions for the troops for the defence of the frontiers—The members chosen M<sup>r</sup> [Timothy] Bedle, [Bedel] M<sup>r</sup> [Jonathan] Child, M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> [William] Williams and M<sup>r</sup> [Samuel] Wells.

*Resolved* that M<sup>r</sup> [Stephen R.] Bradley be and is hereby desired to bring in a bill directing a Return of the list of the several towns to this Assembly in June next—and make Report.

*Resolved* that a Committee of three be appointed to prepare a Bill pointing out some Regular method for the Return of militia Companies &c. The members chosen M<sup>r</sup> [Elihu] Hyde, M<sup>r</sup> Wyman<sup>1</sup> and M<sup>r</sup> [John] House.

*Resolved* to Recommend and it is hereby recommended to his Excellency the Commander in chief to issue his Proclamation appointing such day as he may judge proper to be observed as a day of prayer and fasting throughout this State.

An Act entitled “An Act annexing the Gore or tract of land lying

1. The name of Isaac Wyman appears as a Representative from Keene, N. H. in 1781.

east of and adjoining to Brumley<sup>1</sup> [Bromley or Perue] unto the County of Bennington was read passed and sent up for concurrence.

*Resolved* That the Governor and Council be and they are hereby requested to appoint and Commissionate, for the time being, all officers civil and military which are necessary to supply vacancies in any counties, probate districts, and Regiments within this State until they can be elected by the people agreeable to the 27<sup>th</sup> Section in the frame of government.

An Act entitled "An Act in addition to an Act for the division of Probate Districts in the several Counties within this State," was read passed and sent up for concurrence.

WHEREAS a memorial has been presented to this house by the inhabitants of Londonderry to the number of thirty praying that so much of the lands in said Londonderry, that belongs to this State be sold as will pay the cost of building two bridges over a River called West-River on the main Road through said town to Brumley [Peru] —Therefore

*Resolved* that so much of the lands in the town of Londonderry the property of this State be sold as will build two bridges over the River called the west River in said Londonderry on the main road leading from thence to Bromley and that a Committee of three be appointed to see said bridges built within six months from the date hereof: and that Col<sup>o</sup> Sam<sup>l</sup> Fletcher, Deacon Edward Aikin and Maj<sup>r</sup> Joseph Tyler the Committee appointed to take care of the land belonging to this State in said town be and are hereby impowered to sell so much of said lands as wll pay the cost of building said bridges, and make Return to this Assembly of all expenditures in building said bridges, as well as in the sale of the lands, the quantity sold and the price sold for—And further *Resolved* that Capt. Aikin, Capt. Grimes and Lieut. Hopkins all of said Londonderry be and they are hereby appointed a Committee to see that said bridges are built accordingly.

An Act entitled "An Act for more effectually supplying the troops" was read passed and sent up for concurrence.

An Act entitled "An Act directing the County Courts in their office and duty" was read and ordered to ly on the table until tomorrow morning for further consideration.

An Act entitled "An Act for emmitting a sum of money"<sup>2</sup> was read

1. This gore was organized as the township of Landgrove. For charter of and reference to Landgrove, see State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 122-123, 314.

2. This act provided for the printing of 25,155 pounds in bills, under the supervision of Matthew Lyon of Arlington, Edward Harris of Halifax and Ezra Styles of Keene, (N. H.), in denominations of three pounds, forty shillings, twenty shillings, ten shillings, five shillings, two shillings and six-penny, one shilling and three-penny and one shilling. These bills were to be redeemed by the State Treasurer by June 1, 1782, in silver, at the rate of six shillings for one Spanish milled dollar or gold equivalent. To provide for redemption, a tax of one shilling and three-pence, lawful money on the pound, was laid "on

and ordered to ly on the table for further consideration.

Adjourned until tomorrow morning nine oclock.

SATURDAY April 14<sup>th</sup> 1781

Met according to adjournment.

*Resolved* That the Resolutions for paying the Militia when out on Alarms &c. east side of Connecticut River, and for paying the accounts for furnishing said Militia with provisions &c. which passed the 12<sup>th</sup> and 13<sup>th</sup> instant be and is hereby reconsidered and dismissed.

*Resolved* That the Treasurer be and is hereby directed NOT to pay the several militia Rolls until the new emmission order to be struck by this Legislature be signed off and Receited into the Treasury.

An Act entitled "An Act directing the County Courts in their office and duty" was read, passed and sent up for concurrence.

An Act entitled "An Act directing Brigadier Generals to make Returns of their Brigades" was read, passed and sent up for concurrence.

*Resolved* that a Committee of three be appointed to prepare a Bill enabling the County of Washington<sup>1</sup> to proceed in County elections &c. and make Report—The members chosen M<sup>r</sup> [Stephen R.] Bradley, M<sup>r</sup> [Nathaniel] Prentice & M<sup>r</sup> [Davenport] Phelps.

M<sup>r</sup> [Stephen] Pearl and M<sup>r</sup> N. Robinson desired leave of absence granted.

Adjourned until 2 oClock afternoon.

Two oClock P. M. met according to adjournment.

An Act entitled "An Act for the purpose of Emitting a sum of money" was read, passed and sent up for concurrence.

An Act entitled "An Act directing the Election of certain officers in the County of Washington" was read, passed and sent up for concurrence.

*Resolved* That a Committee of two be appointed to see that said Act be immediately printed and sent to the several towns in the County of Washington.

An Act entitled "An Act declaring the power and authority of certain officers therein contained and directing and Regulating the same" was read passed and sent up for concurrence.

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1. Reference is made here to Washington County, temporarily formed from a group of New Hampshire towns.

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the list of the polls and rateable estates; also for a tax of ten shillings on each hundred acres of land, which would admit of settlement on account of the war, public rights and college rights excepted. In connection with the levying of the land tax the act declared that "land is the great object of the present war and receives the most solid protection of any estate; a very large part of which has hitherto paid no part of the great cost arisen in defending it, whilst the blood and treasure of the inhabitants of the State has been spent to protect it, who, many of them owned but a very small part thereof."—Slade's Vermont State Papers, pp. 424-426.

*Resolved* That the Select Men of the several towns within this State where they have not already elected such town officers for the current year as the Laws of this State Requires be directed to warn the inhabitants of their Respective towns to meet together as soon as may be to elect such town officers as the law of this State Require, so far as they shall find such town officers not to be already elected for the current year; and that they also choose petit-Jurors agreeable to law—And in such towns as there are no Select men an Assistant or Justice of the Peace on application of 10 of the inhabitants of such town shall issue his warrant to call a meeting of the Inhabitants of such town to meet at a suitable time and place, to chuse town officers which warning shall be posted in some public place in such town 10 days at least before the time of such meeting and such Justice shall officiate as Moderator until one shall be chosen by the Inhabitants in such meeting.

*Resolved* that a Committee of five be appointed to prepare a Bill for establishing times and places for holding Superior and County Courts in the County of Washington—The members chosen M<sup>r</sup> [Elisha] Payne, M<sup>r</sup> [Nathaniel] Prentice, M<sup>r</sup> [Davenport] Phelps, M<sup>r</sup> [William] Page and M<sup>r</sup> [Isaac] Wyman.

Adjourned until to Monday next nine oclock in the morning.

MONDAY April 16<sup>th</sup> 1781

Met according to adjournment.

An Act entitled “An Act ascertaining the current value of Continental bills of credit<sup>1</sup> in Spanish mill’d dollars in this State and of contracts made for payment thereof in the several periods of its depreciation” was read passed and sent up for concurrence.

*Resolved* that a Committee of two be appointed to distribute the Militia Acts that are here present—The members chosen M<sup>r</sup> [Ebenezer] Walbridge and M<sup>r</sup> [Timothy] Bedle.

*Resolved* that a Committee of three be appointed to prepare a Bill directing the several towns to make up their lists and send them to the next Session of Assembly—The members chosen M<sup>r</sup> [Bezaleel] Woodward, M<sup>r</sup> Russell and M<sup>r</sup> [Reuben] Harmon.

*Resolved* that M<sup>r</sup> Woodward be and is hereby desired to apply to the Council for the “Act directing the County Courts in their office and duty” and make an addition empowering the County Courts in each County to appoint a County Treasurer.

An Act entitled “An Act to empower the Courts hereafter to be appointed in the Counties of Washington and Orange to take up all actions and suits both Civil and Criminal pending in said Counties and pursue them to final judgment and execution,” was read, passed and sent up for concurrence.

*Resolved* That a Committee of three be appointed to prepare a Bill

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1. For table of values see Slade’s Vermont State Papers, pp. 429-430.

directing the Collectors to collect the remainder of the taxes in the late County of Cheshire &c. and make Report—The members chosen M<sup>r</sup> [Benjamin] Giles, M<sup>r</sup> [Nathaniel] Prentice and M<sup>r</sup> [Stephen R.] Bradley.

*Resolved* That a Committee of three to join a Committee from the Council be appointed to take under consideration the Act ascertaining the current value of Continental Bills of Credit in Spanish Mill'd dollars &c. and prepare a schale [Scale] and Report to this House—The members chosen Col<sup>o</sup> [John] Strong, M<sup>r</sup> [Samuel] King and M<sup>r</sup> [William] Fitch.

*Resolved* That a Committee of three be appointed to prepare a Bill empowering the several towns in this State to lay a tax of one penny on each acre of the Non-Residents lands within their Respective towns for the purpose of making and Repairing Highways and make Report to the next Session—The members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Jonathan] Underwood and M<sup>r</sup> [Gideon] Ormsby.

An Act entitled “An Act for adjourning County Courts in the Counties of Bennington and Windham” was read, passed and sent up for concurrence.

*Resolved* that a Committee of four be appointed to see that the Laws are printed and promulgated among the several towns—The members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Edward] Harris, M<sup>r</sup> [Ezra] Styles and M<sup>r</sup> [Nathaniel] Prentice.

Adjourned until 2 <sup>o</sup>Clock afternoon.

Met according to adjournment.

An Act entitled “An Act for appointing the times and places for holding Superiour and County Courts in the County of Washington”—was read, passed and sent up for concurrence.

*Resolved* that so much of the tax for raising provisions as respects the town of Peacham<sup>1</sup> be and is hereby Relinquished by Reason of the frontier situation of said town and the Commissaries &c. are hereby directed to Govern themselves accordingly.

The Committee who was appointed to prepare a schale [scale] of depreciation to be annexed to the Act for establishing Continental Bills of Credit, in spanish mill'd dollars &c. brought in the same which was read and Ordered to be annexed to said Act.

An Act entitled “An Act in addition to an Act directing and Regulating civil actions” was read and Referred until the next Session for further consideration.

*Resolved* that a Committee of three be appointed to wait on the Governor and Council and inform them that this House propose to Rise at 4 <sup>o</sup>Clock this afternoon—The members chosen M<sup>r</sup> [Stephen R.] Bradley, M<sup>r</sup> [William] Ward and M<sup>r</sup> [Jonathan] Child.

Agreeable to the Request of this House M<sup>r</sup> [Bezaleel] Woodward

1. For charter of and reference to Peacham see State Papers of New Hampshire, Vol. 26, pp. 335-339, 699.

brought in an addition to An Act directing the County Court in their office and duty, which was read passed and *ordered* to be annexed to said Act.

An Act entitled "An Act enabling the Collectors of the several towns on the east side of Connecticut River to complete the same" was read, passed and sent up for concurrence.

*Resolved* That the Committee of Pay-Table be directed and they are hereby ordered to adjust the accounts of the Company lately commanded by Capt. Charles Nelson for the defence of the frontiers of this State in March last, and raised the east side of Connecticut River and give orders of payment for the same under the same restrictions as the payment of the militia of this State are limited by a Resolve of this Assembly at this present Session.

M<sup>r</sup> [Ebenezer] Curtiss desired to be dismissed from the Committee appointed to confer with the Convention at Cambridge [N. Y.]—Granted —And M<sup>r</sup> [John W.] Dana is hereby appointed in his Room.

The Committee appointed to wait on the Governor and Council agreeable to a Resolve passed this afternoon Returned with following message viz.—

*"In Council Windsor 16<sup>th</sup> Ap<sup>l</sup> 1781*

"This is to inform the General Assembly that the Governor will attend the dismission by prayer by the time proposed.

"attest JOSEPH FAY SECY"

*Resolved* That M<sup>r</sup> John Payne Jun<sup>r</sup> and Maj<sup>r</sup> [Joel] Matthews in the County of Windsor, Col<sup>o</sup> [Joshua] Howard in the County of Washington, Capt. Davenport Phelps in the County of Orange, Sam<sup>l</sup> Beach Jun<sup>r</sup> in the County of Rutland, and Col<sup>o</sup> Sam<sup>l</sup> Wells and Capt. Hazael Shepherd in the County of Windham be and they are hereby appointed County Surveyors in the several Counties to which they belong.

*Resolved* to Reconsider the Resolution passed the fore part of this day "appointing a Committee of four to see that the Laws are immediately printed" And that M<sup>r</sup> [Stephen R.] Bradley be and hereby is appointed to see that the several Acts passed this Session be immediately printed and promulgated.

*Resolved* that M<sup>r</sup> Bradley be and is hereby appointed to procure paper as soon as may be for the printer sufficient to print the laws &c. for this State and the Treasurer is hereby directed to furnish him with a sufficient quantity of money for that purpose.

*Resolved* That the Governor and Council be and they are hereby requested to appoint Commissioners to lease out and take care of the estates of Absentees in such places as they shall judge best.

On motion made

*Resolved* That his Excellency be and is hereby requested to insert the name of the Rev'd M<sup>r</sup> Fuller in some one of the new Charters (in lieu of some one that has forfeited his share) for his past services.

On motion made,

*Resolved* that his Excellency the Governor be and is hereby requested to insert the name of the Rev'd Mr David Avery in the Charter of Montgomery, if there is a forfeited Right in said Charter, if not in some other for his past services.

*Resolved* That the Committee appointed to inspect the press for printing the sum of £25,515 Bills of Credit<sup>1</sup> of this State be and they are hereby directed as soon as said bills are struck to deliver the device and eschutcheon to the Secretary to be kept safe in his office.

*Resolved* That the Treasurer be and is hereby directed to pay no more than the nominal sum in Continental money for all prizes drawn in this States Lottery<sup>2</sup>.

*Resolved* That the Speaker of this House be and hereby is allowed six shilling per day in addition to his Representatives wages.

*Resolved* That the Clerk of this Assembly be and is hereby allowed ten shillings per day during this Session.

*Resolved* That this Assembly be and is hereby adjourned until the second Wednesday of June next then to meet at Bennington.

1. The April (1781) session of the Legislature held at Windsor, authorized the printing of bills to the amount of £25,155, "for the purpose of carrying on the war, and the payment of the public debts of this State, as well as for enlarging the quantity of circulating medium." They wereto be issued in denominations of three pounds, forty shillings, twenty shillings, ten shillings, five shillings, two shillings and six penny, one shilling and three penny, and one shilling. These bills were to be "a lawful tendry for payment on all contracts, executions &c, as lawful money, according to the face of the bill." They were to be redeemed by the State Treasurer by June 1, 1782, in silver, "at the rate of six shillings for one Spanish milled dollar, or gold equivalent." For the redemption of these bills poll taxes and land taxes were laid, "one shilling and three pence lawful money, on the pound, in the list of polls and rateable estates," and ten shillings on each hundred acres of land, "which will now admit of settlement on account of the war, except public rights and the college lands." The land tax was justified in the following declaration:

"Whereas land is the great object of the present war, and receives the most solid protection of any estate; a very large part of which has hitherto paid no part of the great cost arisen in defending it, whilst the blood and treasure of the inhabitants of the State has been spent to protect it, who, many of them owned but a very small part thereof."—Slade's Vermont State Papers, pp. 424-426.

2. See pp. 55, 63, 64, 92, 265.



JOURNALS  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF VERMONT

AT THEIR SESSIONS HOLDEN AT BENNINGTON JUNE, 1781



## STATE OF VERMONT

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WEDNESDAY Bennington June 13<sup>th</sup> 1781

The General<sup>m</sup> Assembly of this State met at this place according to adjournment in April last.

There not being a quorum present—The House adjourned until tomorrow morning 8 o'clock.

THURSDAY June 14<sup>th</sup> 1781

Met according to adjournment.

M<sup>r</sup> George Sherman of Ira and M<sup>r</sup> Ebenezer Dewey Jun<sup>r</sup> of Gilsum produced their Credentials which were read and approved and they took the necessary oaths to qualify them for seats in this House.

M<sup>r</sup> Josiah Raymond of New-Stamford produced a paper signed by a number of the Freemen of said town appointing him a Representative which was read and objected against by one of the freemen of said town and *Ordered* to lie on the table.

There not being a quorum present Adjourned until 2<sup>o</sup>Clock afternoon.

Two o'clock P. M.

Met according to adjournment.

M<sup>r</sup> Samuel Smith of Fairlee produced his Credentials and took the necessary oaths to qualify him to a seat in this House.

There not being a quorum present adjourned until tomorrow morning 8<sup>o</sup>Clock.

FRIDAY June 15<sup>th</sup> 1781

Met according to adjournment.

Elisha Cleveland Esq<sup>r</sup> produced a Certificate from the Selectmen of Bath of his appointment by them as a Representative which was read and objected against and *ordered* to lie on the table.

There not being a quorum present. Adjourned until 2<sup>o</sup>Clock afternoon.

Two 8<sup>o</sup>Clock P. M.

Met according to adjournment.

The appointment of M<sup>r</sup> Josiah Raymond of New-Stamford which was read and *ordered* to lie on the table was again Read and after some debate was dismissed—And

*Resolved* That the Constable or Select-Men of the town of Stamford, alias New-Stamford be and are hereby directed to immediately warn all the freemen of said town to meet at the usual place for holding

town meetings on monday next at 10 o'Clock in the forenoon and also notify all the freeholders to meet at the same time and place; and that then and there the freemans oath be tendered to those who are by law qualifified to take the same—And then to proceed to elect a Representative to sit in this House, and return a certificate of his appointment to this House as soon as may be.

The Certificate of the appointment of Elisha Cleveland Esq<sup>r</sup> was read and dismissed.

A petition signed W<sup>m</sup> Ripley agent for and in behalf of the East part of the town of Cornish" and another signed by Abel Spalding and sixteen others of the town of Cornish; both of which were read and dismissed.

A Certificate signed by Enoch Woodbridge Clerk of the Court of Probate for the District of Manchester certifying that Reuben and Ephraim Seelye Administrators on the estate of Ephraim Seelye late of Danby deceased had exhibited before said Court of Probate under oath the accounts both for and against the estate of the said deceased and find that the credits over balance the debts two hundred, forty-nine pounds ten shillings—They therefore request the Legislature to grant said Administrators license to sell so much of the lands of the said deceased as will discharge the same—granted—and ordered that a bill be brought in accordingly.

The Representatives of the western District informed this House, in writing, that they were Ready to take their seats, according to the Articles of Union &c.

The Committee who was appointed to treat with the Convention, holden at Cambridge, [N. Y.] in June last, Reported the following articles viz.

'ARTICLES OF UNION, proposed by the Convention, composed of Representatives from the several districts of Hoosack, Scorticook, [Schaghticoke] Cambridge, Saratoga, Upper-White-Creek, Black-Creek, Granville, Skeensborough, Greenfield, Kingsbury, Fort-Edward and Little Hoosack, convened at Cambridge aforesaid, the 9<sup>th</sup> day of May, 1781, and, by several adjournments, to the 15<sup>th</sup> of the same month, inclusive.

**ARTICLE 1<sup>st</sup>** That the District, or tract of Land, lying north of a line, being extended from the North line of the Massachusetts to Hudsons River, and east of said River, and south of latitude 45, as comprehended in the late jurisdictional claim by the Legislature of the State of Vermont, be considered as part of said State, and the inhabitants thereof as free Citizens.

**ANSWER** Agreed to by the Committee of the Legislature of the State of Vermont.

**ARTICLE 2<sup>d</sup>** That the whole military force of the State of Vermont (as occasion may require) shall be exerted in our defence, as free Citizens, against any

insurrection, invasion or incursion whatsoever; but especially against the common Enemy.

ANS. *Agreed to.*

ART. 3d That application be made by the Legislature of the state of Vermont, to the Congress of the United States, to be admitted with them, as soon as circumstances will admit.

ANS. *Agreed to.*

ART. 4th That, as the people within the aforesaid late claim, have been called upon, and have paid a considerable part of the Continental taxes, into the treasury of the State of N. York, they shall have credit for the same, in case the state of Vermont, at some future period, should be called upon to pay their proportion of money emmited by Congress.—

ANS. *Agreed to;* provided the services done by the State of Vermont, in the present war, be included.

*Reply of Convention.*

*Agreed to,* provided the expence of said district, in the present war, be likewise included.

ARTICLE 5th That all actions depending within the late claim, shall be transferred, in the situation they shall be in, at the time of completing the union, to courts that may be then, forthwith erected, under the Authority of Vermont, without cost to the parties, other than would have accrued, had they been terminated in Courts, under the jurisdiction of the State of New York.

*Agreed to.*

ART. 6th That the change of jurisdiction shall not be understood to effect, or alienate, private property.—

ANS. *Agreed to*

ARTICLES of UNION, proposed by the Legislature of the State of Vermont.

ARTICLE 1st That the Independence of the State of Vermont be held sacred; and that no member of the Legislature shall give his vote, or otherwise use his endeavours, to obtain any act, or Resolution of Assembly, that shall endanger the existence<sup>1</sup>, independance, or well being, of said State, by Refering its Independency to the Arbitrament of any power.

*Agreed to by Convention.*—

ARTICLE 2d That, whenever this State becomes united with the American states, and there shall then be any disputes between this and any of the United States, respecting boundary lines, the Legislature of the State of Vermont will then (as they have ever proposed) submit to Congress, or such other tribunal as may be mutually agreed upon, for the settlement of any such disputes.

ANS. [A] *Greed to.*

The foregoing articles were severally, mutually agreed to by the

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I. The existence of Vermont had been endangered by the attempt made to annex either the whole or a part of Vermont to New Hampshire.

Convention and Committee, at Cambridge [N. Y.] the 15<sup>th</sup> May 1781—attest John Rogers—Chairman of Convention—Moses Robinson Chairman of Committee—

The aforesaid Articles were Read, and, after some debate, *Resolved*, That this House form themselves into a Committee of the whole, with the Governor and Council, to take the aforesaid Articles under consideration—The Committee of the whole having dissolved, the House formed themselves, and the Speaker Resumed the Chair.

And after some time spent in debating on the said Report, it was Referred until tomorrow morning, for further consideration.

A declaration of the Inhabitants of the western District, giving their Reasons for disavowing allegiance to the State of New York, with their disavowal, was Read.

Adjourned until tomorrow morning, 8 °Clock.

SATURDAY June 16<sup>th</sup> 1781

Met according to adjournment.

The House again took up the consideration of the Articles of Union agreed on between the Committee, appointed to treat with the Cambridge Convention, and said Convention, and after some debate, the question was put—whether this House would approve of said articles as agreed between said Committee and Convention? It passed in the AFFIRMATIVE.

The yeas and nays on the question being requested by M<sup>r</sup> Woodward—and the question being put whether the yeas and nays should be taken—passed in the affirmative and they are as follows viz.

Yea <sup>s</sup> , 53	Nay <sup>s</sup> , 24 <sup>r</sup>
M <sup>r</sup> Barber	M <sup>r</sup> Holton
M <sup>r</sup> Briggs	M <sup>r</sup> Bartholomew
M <sup>r</sup> S. Robinson	M <sup>r</sup> Foster
M <sup>r</sup> Olin	M <sup>r</sup> Burton
M <sup>r</sup> Ward 1 <sup>st</sup>	M <sup>r</sup> Dana
M <sup>r</sup> Walbridge	M <sup>r</sup> Woodward
M <sup>r</sup> Lyon	M <sup>r</sup> Hyde
M <sup>r</sup> Ormsby	M <sup>r</sup> W <sup>m</sup> Page
M <sup>r</sup> Powell	M <sup>r</sup> Phelps
M <sup>r</sup> Bartlet	M <sup>r</sup> House
Col <sup>o</sup> Strong	M <sup>r</sup> Stone
M <sup>r</sup> Underhill	M <sup>r</sup> Freeman
M <sup>r</sup> Harmon	M <sup>r</sup> Wetherbee
M <sup>r</sup> Pearl	M <sup>r</sup> T. Russell
M <sup>r</sup> Everist	M <sup>r</sup> King

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I. Approximately three-fourths of the nays were cast by men from New Hampshire towns and all were cast by members from the Connecticut valley.

M <sup>r</sup> Moss	M <sup>r</sup> Hunt
M <sup>r</sup> Ward 2 <sup>d</sup>	M <sup>r</sup> Canfield
M <sup>r</sup> Rowley	M <sup>r</sup> Duncan
M <sup>r</sup> Gage	M <sup>r</sup> Peters
M <sup>r</sup> Speaker	M <sup>r</sup> Cole
M <sup>r</sup> Bingham	M <sup>r</sup> Ashley
M <sup>r</sup> J. Smith	M <sup>r</sup> Graves
M <sup>r</sup> B. Whipple	M <sup>r</sup> Jones
M <sup>r</sup> Post	M <sup>r</sup> S. Smith
M <sup>r</sup> Thurber	
M <sup>r</sup> Harris	
M <sup>r</sup> Underwood	
M <sup>r</sup> Ward 3 <sup>d</sup>	
M <sup>r</sup> Williams	
M <sup>r</sup> Martin	
M <sup>r</sup> Hayward	
M <sup>r</sup> N. Robinson	
M <sup>r</sup> Webb	
M <sup>r</sup> Burlinggame	
M <sup>r</sup> Curtiss	
M <sup>r</sup> Weld	
M <sup>r</sup> Bratten	
M <sup>r</sup> Cottle	
M <sup>r</sup> Sprague	
M <sup>r</sup> A. Robinson	
M <sup>r</sup> J. Powell	
M <sup>r</sup> Murdock	
M <sup>r</sup> Aikin	
M <sup>r</sup> Putnam	
M <sup>r</sup> Taplin	
M <sup>r</sup> Wells	
M <sup>r</sup> Giles	
M <sup>r</sup> J. Stevens	
M <sup>r</sup> Ripley	
M <sup>r</sup> Frink	
M <sup>r</sup> M. Whipple	
M <sup>r</sup> Wyman	
M <sup>r</sup> Sherman	

*Resolved* That a Committee of three be appointed, to wait on the members returned from the Western District,<sup>1</sup> to sit in this Assembly, and inform them that this House are ready to Receive them as members of this House, upon their producing their several appointments &c.— The members chosen M<sup>r</sup> S. Robinson, M<sup>r</sup> [Mathew] Lyon and M<sup>r</sup> [Edward] Harris.

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1. A term applied to New York towns annexed.

The following are the several members chosen to Represent the Western District, and were introduced by the aforesaid Committee, and produced their Credentials, which were Read and approved viz.

M<sup>r</sup> Thos<sup>s</sup> Benedict & M<sup>r</sup> Benj<sup>a</sup> Hicks, *Scorticook*.

Capt. John Abbot and Lieut. Jn<sup>o</sup> Johnson, *Hoosack*.

Col<sup>o</sup> Gideon Warren—*Greenfield*.

David Randall Esq<sup>r</sup> & Doct<sup>r</sup> Ab<sup>m</sup> Burdick, *Little Hoosack*

M<sup>r</sup> John Shepherd, *Black-Creek*

M<sup>r</sup> Joseph Craw, *South-Granville*

Capt. Asaph Cook, *Granville*

Aaron Fuller Esq<sup>r</sup>, *Skeensborough*

M<sup>r</sup> Thos<sup>s</sup> Smith & M<sup>r</sup> John Rogers, *Saratoga*.

M<sup>r</sup> Phineas Whiteside, Col<sup>o</sup> Joseph Caldwell, *Cambridge*.

and they all took the necessary oaths to qualify them to a seat in this House; except Lieut. John Johnson, and M<sup>r</sup> Benj<sup>a</sup> Hicks, who did not attend")

A petition signed Benj<sup>a</sup> Gorton (with a number of affidavits &c.) were Read and *Ordered* that a Bill be brought in accordingly.

A petition signed Nicholas Pullen was read and refered to a Committee of two to join a Committee from the Council and Report their opinion Respecting the same.

M<sup>r</sup> [Stephen] Pearl desired leave of absence until monday next—Granted.

M<sup>r</sup> [Gideon] Ormsby desired leave to Return home on account of his appointment to serve in the Army—Granted.

M<sup>r</sup> [Joshua] Webb desired leave of absence until next monday—granted.

*Resolved* That a Committee of five be appointed to join a Committee from the Council to prepare an arrangement of the necessary business to be transacted during this Session and make Report—The members chosen M<sup>r</sup> [Bezaleel] Woodward, Col<sup>o</sup> [John] Strong, M<sup>r</sup> [Phineas] Whiteside, M<sup>r</sup> [Benjamin] Giles and M<sup>r</sup> [Edward] Harris.

Adjourned until 2 <sup>o</sup>Clock afternoon.

Two <sup>o</sup>Clock P. M.

Met according to adjournment.

A petition signed Sam<sup>l</sup> Murdock was read and Refered to a Committee of three to join a Committee from the Council, and report their opinion Respecting the same; The members chosen M<sup>r</sup> A. Robinson, M<sup>r</sup> [Elisha] Barber & M<sup>r</sup> [Elijah] Frink.

A petition signed Jon<sup>th</sup> Rogers was read and Refered to the aforesaid Committee to Report their opinion respecting the same.

A petition signed by Generals John Glover and John Pattison and a number of officers &c. belonging to the Massachusetts line praying for a grant of a township of land was read and *ordered* to lie on the table.

M<sup>r</sup> [William] Page desired leave to bring in a bill to adjourn the County Court in the County of Washington—Granted.

A petition signed by the Select-Men of the town of Granville praying for a Loan of one hundred pounds until next fall was read and Referred to a Committee of three to join a Committee from the Council and Report their opinion. The members chosen Mr [Nathaniel] Prentice, Mr [Abraham] Underhill and Mr [Wolston] Brockway.

A petition signed Joseph Winchester praying that a Reasonable compensation might be allowed him while sick after his Return from the service was read and dismissed.

Adjourned until monday next nine o'clock in the morning.

MONDAY June 18<sup>th</sup> 1781

Met according to adjournment.

The Committee to whom was Referred the petition of Jonathan Rogers brought in the following Report viz. "That it is the opinion of your Committee that the petitioner ought to take the steps of the Law in that case made and provided

"p<sup>r</sup> order of Com<sup>tee</sup> M. ROBINSON Ch<sup>m</sup>"

The aforesaid Report was read and accepted.

The Committee to whom was referred the petition of Samuel Murdock brought in the following Report viz.

"That it is the opinion of your Committee that the petitioner ought to take the steps of the Law in that case made and provided.

"p<sup>r</sup> order of Com<sup>tee</sup> M. ROBINSON Ch<sup>m</sup>"

The aforesaid Report was read and accepted.

An Act Entitled "An Act to adjourn the County Court for the County of Washington was read passed and sent up for concurrence.

An Act entitled "An Act to vacate a certain judgment obtained by Hezekiah Olney against Benjamin Gorton and to grant a new trial to the parties"—said Act was brought in agreeable to the petition of said Gorton—and was read passed and sent up for concurrence.

The Committee appointed last Session to bring in a Bill Regulating Weights and measures brought in an Act entitled "An Act for regulating weights and measures" which was read and after some debate Referred back to the said Committee for to make such necessary alterations and amendments as they shall judge best and Report to this House—and

*Resolved* that two persons be added to the aforesaid Committee—The members chosen Mr [Reuben] Jones and Mr [Gideon] Olin.

A petition signed Zacheus Mallory was read and ordered that a Bill be brought in agreeable to the prayer thereof.

A petition signed Benjamin Baldwin and four others inhabitants of Mooretown [Bradford] was read and Referred to a Committee of three to take the same under their consideration and Report their opinion to the next Session—The members chosen Mr [Thomas] Russell, Mr [Joshua] Webb and Mr [Davenport] Phelps.

The Committee to whom was referred the arrangement of the most

important matters to be transacted during this Session brought in the following Report viz.—

“That they conceive it necessary there be an arrangement in the Civil and military departments in the western territory lately united to this State. “That the Assembly direct to proper measures for informing the Congress of the United States of the political situation of Vermont, that we are engaged in the same common cause in opposition to British encroachments and wish for an answer on the subject of being received into union with the Confederate States that we may be enabled more effectually to co-operate with them in the contest with Great Britain.

“That an enquiry be made into the grounds of the reports of a treaty with Canada.

“That an enquiry be made into the state of the public accounts.

“That the appointment of Brigadier Generals be taken under consideration.

“Which is humbly submitted

*Bennington June 18<sup>th</sup> 1781—THO<sup>s</sup> CHANDLER JUN<sup>r</sup> Ch<sup>m</sup>*

The aforesaid Report was read and Thereupon

*Resolved* That a Committee of three to join a Committee from the Council be appointed to arrange the Civil and military departments in the Western Territory lately united to this State and make Report—The members chosen M<sup>r</sup> [Gideon] Warren<sup>1</sup>, M<sup>r</sup> [Phineas] Whiteside and M<sup>r</sup> S. Robinson.

*Resolved* That the Governor and Council be and they are hereby requested to join this House in a Committee of the whole tomorrow morning nine o'clock to take under consideration proper measures for informing the Congress of the United States of the political situation of Vermont, &c.

*Resolved* That an enquiry be made into the grounds of the Report of a treaty with Canada<sup>2</sup> &c. tomorrow morning when the Committee of the whole meet.

Adjourned until 2 o'clock afternoon.

2 o'clock P. M.

Met according to adjournment.

A petition signed by Col<sup>o</sup> Ira Allen Treasurer praying for a settlement of accounts &c. was read.

*Resolved* that the Committee of six who were appointed to audit and settle public accounts be and they are hereby dismissed from their said appointment—and

*Resolved* that a Committee of three be appointed and empowered to settle public accounts.

1. Col. Gideon Warren had removed from Vermont to New York.—Governor and Council, Vol. 2, p. 302.

2. For negotiations with Canada see Crockett's History of Vermont, Vol. 2, pp. 394-397.

*Resolved* that a Committee of seven be appointed to nominate the aforesaid Committee—The Members chosen Mr [Ebenezer] Walbridge, Mr [Solomon] Bingham, Mr N. Robinson, Mr [Ebenezer] Curtiss, Mr [William] Page, Mr [Thomas] Russell and Mr [Phineas] Whiteside.

An Act entitled “An Act for discharging certain persons from duties therein mentioned” which was refered from the last Session was read and ordered to lie on the table.

An Act entitled “An Act in addition to an act for the directing and regulating civil actions” was read and dismissed.

A petition signed R. Jones T. Chandler, N. Field in behalf of the town of Chester and another signed Gershom Palmer town Clerk of Woodstock; and another signed John Weld moderator of the town of Reading &c. praying that this Assembly would Reestablish Connecticut the County line of Windham County and the 3<sup>d</sup> Regiment &c. which was read—and ordered that a Committee of three to join a Committee from the Council be appointed to take said petitions under consideration and make Report—The members chosen Mr [Reuben] Jones, Mr [John] Strong and Mr [Edward] Harris.

An Act entitled “An Act to impower Col<sup>o</sup> John Strong to execute a deed to Zacheus Mallery of a certain tract of land therein mentioned” was read passed and sent up for concurrence.

A petition signed John Taylor and Benj<sup>a</sup> Green agents for the Proprietors of the township of Sudbury—was read and refered to a Committee of three to make Report of their opinion Respecting the same —The members chosen Mr [John] Strong, Mr [Reuben] Jones and Mr E. Smith.

The Committee who was appointed to nominate a Committee of three for auditors or settlers of public accounts brought in the following nomination viz.—“Mess<sup>rs</sup> Nathaniel Brush, Bezaleel Woodward and Amos Robinson”—who are hereby appointed and authorized for that purpose.

*Resolved* that a Committee of three to join a Committee from the Council be appointed to prepare the powers and instructions for the aforesaid Committee—The members chosen Mr [Nathaniel] Prentice, Mr [Ebenezer] Walbridge and Mr [Thomas] Murdock.

The Committee to whom was refered the petition of Nicholas Pullen brought in the following Report, viz.

“That is the opinion of your Committee that the said Nicholas Pullen has been damaged to the amount of six pounds Lawful money in being impeded in the execution of his office—And that for the reasons specified in said petition the said sum ought to be paid him out of the Treasury of this State.

“JOSEPH BOWKER for Com<sup>ttee</sup>”

The aforesaid Report was read and accepted and *Resolved* That the Treasurer of this State be and is hereby directed to pay unto Nicholas Pullen six pounds lawfull money agreeable to the aforesaid Report.

A Request signed by Lieut. Col<sup>o</sup> Sam<sup>l</sup> Safford was read and Ordered

that a Committee of three to join a Committee from the Council be appointed to prepare a Bill making good the depreciation of money to Col<sup>o</sup> Warners Regiment—and make Report—The members chosen M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> [Matthew] Lyon and M<sup>r</sup> [Bezaleel] Woodward.

An Act entitled “An Act for further regulating the militia” was read and refered until tomorrow morning for further consideration.

Adjourned until 8 <sup>o</sup>Clock tomorrow morning.

TUESDAY June 19<sup>th</sup> 1781

Met according to adjournment.

An Act entitled “An Act for further Regulating the militia” which was refered until this morning for further consideration, was again Read and dismissed.

*Resolved* That a Committee of three to join a Committee from the Council be appointed to take under consideration the several militia Acts and if they find it necessary to make any alterations in said Acts to bring in a Bill accordingly—The members chosen M<sup>r</sup> [Samuel] King, M<sup>r</sup> [Benjamin] Giles and M<sup>r</sup> [Gideon] Olin.

The Committee to whom was refered the petition of the Proprietors of Sudbury brought in their Report which was read and dismissed.

Agreeable to the order of the day the House formed themselves into a Committee of the whole with the Governor and Council—The Committee of the whole having adjourned, The House formed and the Speaker resumed the Chair.

A petition signed Joseph Carver, Joseph Hoskins, Jonathan Hall, Benoni Haleburt and John Vanduzer—was read and Refered until the Session of Assembly in October next for further consideration.

Adjourned until 2 <sup>o</sup>Clock afternoon.

Two <sup>o</sup>Clock P. M.

Met according to adjournment.

A petition signed Frye Bayley Capt. and Nehemiah Lovell [Love-well] Capt. was read and refered to a Committee of three to take the same under their consideration and Report their opinion to this House—The members chosen M<sup>r</sup> [Elisha] Burton, M<sup>r</sup> [Absalom] Peters and M<sup>r</sup> [William] Ward 1<sup>st</sup>

A petition of the Inhabitants of Hertford [Hartland] praying for a division of said town, which was refered from the last Session, was read and dismissed.

*Resolved* that the members of this House that belong to the County of Windsor and the 3<sup>d</sup> Reg<sup>t</sup> have liberty to attend on the Committee appointed to take the petitions of R. Jones &c. Gershom Palmer and John Weld into consideration.

A petition signed Nicholas Pullen praying for a new hearing in case between John Griffin and himself, was read and dismissed.

A petition signed John Ripnor with a Copy of a judgment note &c was read, and thereupon,

*Resolved* That a new tryal<sup>1</sup> be and is hereby granted to John Ripnor in a suit commenced by John Burnham Jun<sup>r</sup> against the said John Ripnor, regular citation or notification being given and the Court before whom the aforesaid tryal was had are hereby empowered to try said cause anew—and that execution of the former judgment be stayed until said tryal is had.

A petition signed Nehemiah L. French was read and refered to a Committee of three to take the same under their consideration and Report their opinion to this House—The members chosen M<sup>r</sup> [Nathaniel] Prentice M<sup>r</sup> [Benjamin] Giles and M<sup>r</sup> M. Powell.

*Resolved* That Col<sup>o</sup> IRA ALLEN be and is hereby appointed Trustee of Loan office in this State.

A petition signed Ebenezer Allen was read and dismissed.

The Committee to whom was refered the petition of Nehemiah L. French returned the same without making a Report—and said petition was withdrawn.

An Act entitled “An Act for the purpose of making up the depreciation of the Continental money<sup>2</sup> to Col<sup>o</sup> Warner’s Regiment and Capt. Lee’s Company was read passed and sent up for concurrence.

The Committee to whom was Refered the petitions of the Inhabitants of Woodstock, Chester and Reading praying for a Reestablishing Connecticut the County and Regimental lines &c. brought in the following Report viz.

“That your Committee conceive it to be expedient that there be a division of the third Regiment of militia and recommend that the same be divided at Connecticut River which appears to us will sufficiently satisfy the petitioners and will have a tendency to promote the best good of the State—And with Respect to Windsor County your Committee imagine that a division of the same will not have a tendency to promote the salutary purposes of the state but will probably introduce disorder and discontent—We therefore give it as our opinion that the County of Windsor remain as it is now established.

*June 18<sup>th</sup> 1781*

“JOHN FASSETT CHAIR<sup>m</sup>”

The aforesaid Report was read and accepted and *ordered* that a Committee of three be appointed to bring in a bill accordingly. The members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Davenport] Phelps and M<sup>r</sup> [Elihu] Hyde.

An Act Entitled “An Act for regulating weights and measures” was read passed and sent up for concurrence.

Adjourned until tomorrow morning 8 <sup>o</sup>Clock.

1. This one of numerous instances in which the Legislature, at an early period, assumed judicial functions.

2. The text of the act appears in Slade’s Vermont State Papers, p. 437.

WEDNESDAY June 20<sup>th</sup> 1781

Met according to adjournment.

The Committee to whom was referred the petition of Capts. Frye Bailey and Nehemiah Lovell [Lovewell] brought in their Report which was read and accepted.

*Resolved* That a Committee of three be appointed to wait on the Governor and enquire if he has any public business to lay before this House—The members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Reuben] Jones and M<sup>r</sup> [Bezaleel] Woodward.

A petition signed Abraham Underhill was read granted and ordered that a Bill be brought in accordingly.

*Resolved* That a Committee of three to join a Committee from the Council be appointed to make enquiry into the measure heretofore taken to get the several Acts &c. published and likewise enquire into the state and situation of the press &c. and make Report with their opinion what method ought to be taken to get the Acts printed and promulgated for the future—The members chosen M<sup>r</sup> [William] Page, M<sup>r</sup> [Edward] Harris and [Jonathan] Freeman.

*Resolved* That a Committee of three be appointed to make enquiry into the grounds of the orders given by the Captain General respecting the paying of the troops ordered to be raised east of Connecticut River and make Report—The members chosen M<sup>r</sup> [Nathaniel] Prentice, M<sup>r</sup> [Samuel] King and M<sup>r</sup> [Benjamin] Giles.

An Act Entitled “An Act for dividing the third Regiment in the state and establishing an Eleventh” was read passed and sent up for concurrence.

His Excellency Gov<sup>r</sup> Chittenden desired to be dismissed as one of the Committee of Pay-Table—Granted—and

*Resolved* That a Committee of three be appointed to nominate three persons for this House to choose one out of to supply the place of His Excellency in said Committee of Pay-Table—The members chosen M<sup>r</sup> [Abraham] Underhill, M<sup>r</sup> [John] Strong and M<sup>r</sup> [Ebenezer] Walbridge.

A petition signed Nehemiah L. French was read and Referred to M<sup>r</sup> [Benjamin] Giles, M<sup>r</sup> [Nathaniel] Prentice and M<sup>r</sup> M. Powell (who were appointed a Committee upon a former petition of the said French) and make Report to this House.

Whereas Brigadier Generals Ethan Allen<sup>1</sup> and Benj<sup>a</sup> Bellows have declined accepting their commissions agreeable to their appointments in April last—Therefore

*Resolved* That the members belonging to the 1<sup>st</sup> and 2<sup>d</sup> Brigades bring in a nomination for a Brigadier General for each of said Brigades, and Report at 2<sup>o</sup>Clock afternoon.

*Resolved* That the Governor and Council be requested to attend this House at 2<sup>o</sup>Clock in the afternoon to choose by joint ballot a Committee

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1. Governor and Council, Vol. 2, pp. 107-108.

to Revise the Laws &c.—And That Mr [Matthew] Lyon be requested to inform the Governor and Council of this Resolution.

The Committee to whom was referred the business of making out an arrangement of the Civil and Military departments in the Western District brought in the following Report viz.

“That such part of said District which formerly belonged to the County of Albany be for the present annexed to the County of Bennington—And that such part of the County of Charlottee now included in said District be in like manner annexed to the County of Rutland.

“That the New-City alias Lansingburgh together with that part of Ranslaerwick within this State as far east as Scorticook extends be annexed to said Scorticook and formed into one entire Regiment and to be hereafter known and distinguished by the name of the twelvth Regiment—That such part of the district of Saratoga as is east of Hudsons River be annexed to the District of Cambridge and formed into one entire Regiment and to be hereafter distinguished and known by the name of the fourteenth Regiment.—That such part of the District of Little Hoosack, as is (by the late Union) included within this State be annexed to the District of Hoosack and formed into one entire Regiment and to be distinguished and known by the name of the 13<sup>th</sup> Regt—That the County of Charlottee, or such part as has been included in the late union be one entire Regiment as heretofore and be distinguished and known by the name of the 15<sup>th</sup> Regiment.

“That the aforesaid Regiments be annexed to the first Brigade.

“That the Legislature appoint at their present Session a suitable person in each District to warn a meeting of the inhabitants of the District to which they severally now belong for the purpose of electing Civil magistrates officer in each such district where such person shall be appointed to warn such inhabitants as has been usually appointed in the other parts of said State annually, and who are known by the name of Town officers—And who are to be considered to do duty as such in each district—And your Committee beg leave to Recommend the following persons as suitable (to employ) to warn such meeting in each district—viz—

Capt. William Shepherd for the District of	<i>Scorticook</i>
Col <sup>o</sup> Joseph Caldwell	<i>Cambridge</i>
Mr Thos Smith	<i>Saratoga</i>
Mr Stutson Benson	<i>Hoosack</i>
Mr Benjamin Randall	<i>Little Hoosack</i>
Capt. Sol <sup>o</sup> Brown	<i>White Creek alias N. Perth</i>
Capt. Aaron Osgood	<i>Black Creek</i>
Capt. David Blakeley	<i>Granvillee</i>
Capt. John Grover for the district of	<i>North Granvillee</i>
Mr James Burroughs	<i>Skeensborough</i>
Mr Lemuel Hyde	<i>Greenfield</i>
Mr Gilbert Harris	<i>Kingsbury</i>
Capt. Batty	<i>Scotch Patent alias Argyle</i>
Mr Daniel Pain	<i>Fort Edward</i>

"That some suitable person in each of the aforesaid Regimental districts be by the General Assembly, at their present Sessions, appointed to warn and cause to come together at some convenient time and place within each of said districts as soon as may be; and lead them to a choice of Field and Staff and other necessary Regimental officers—And that such Field officers be directed to order the commanding officers of Companies to call their respective companies together at some suitable and most convenient place by such commanding officers appointed in the limits of each such company and lead them to a choice of the several officers of such company, and the names of the several persons elected as the law directs be duly returned by the persons appointed to call such Regimental and company meeting for the purpose aforesaid, to the Commander in Chief that they may be duly Commissioned.

"The above arrangement is to be considered by your Committee only as temporary, or for the time being—All which is submitted.

"JONAS FAY Chair<sup>m</sup>"

The aforesaid Report was read and accepted.

Adjourned until 2<sup>o</sup>Clock afternoon.

TWO oclock P. M.

Met according to adjournment.

The members belonging to the first Brigade of militia, agreeable to order, brought in the following persons as nominated by them for a Brigadier General viz—

"Col<sup>o</sup> SAMUEL SAFFORD      23 votes

"Col<sup>o</sup> IRA ALLEN      12 votes."

The ballots were then taken for Brigadier General of the first Brigade—and

Col<sup>o</sup> Samuel Safford<sup>1</sup> was duly Elected.

The Members of the second Brigade agreeable to order, brought in the following nomination viz—

"Col<sup>o</sup> SAMUEL FLETCHER      14 votes

"Col<sup>o</sup> ISAAC WYMAN      10 d°

"Col<sup>o</sup> WILLIAM HAYWARD      3 d°".

The ballots were then taken for a Brigadier General for the second Brigade—and

Col<sup>o</sup> SAMUEL FLETCHER was Elected.

A Letter of thanks from the Reverend M<sup>r</sup> David Avery was Read

*Resolved* that a Committee of five be appointed by joint ballot of Governor Council and General Assembly to Revise the Laws of this State, and propose such alterations and additions as they may judge necessary—and that they Report thereon to the Assembly in October next.

1. For biographical sketch of Samuel Safford, see Governor and Council, Vol. 3, p. 2.

Agreeable to the Request of this House the Governor and Council attended to choose the aforesaid Committee.

*Resolved* That a Committee of six be appointed to nominate ten persons five of whom to be chosen for the aforesaid Committee to Revise the Laws &c.—The members chosen Mr Moses Robinson<sup>1</sup>, Mr [Joseph] Bowker, Mr N. Robinson, Mr [Thomas] Chandler, Mr [Daniel] Jones and Mr [Davenport] Phelps.

The aforesaid Committee made Report and the ballots being taken the following persons were chosen viz—Daniel Jones, Moses Robinson, Elisha Payne, Jonas Fay and Bezaleel Woodward Esquires—and they are hereby appointed for the aforesaid Committee to Revise the Laws &c.

The Committee appointed to nominate a person to supply the place of His Excellency in the Committee of Pay-Table brought in the following nomination viz—

“Col° John Strong, Capt. Bartlet & Capt. Lyon.”

The Ballots being taken Col° JOHN STRONG was Elected.

Mr Israel Mead of New Stamford brought in his Credentials, which were read and objected against, but after some debate and hearing and examining the evidence—The question was put whether the said Credentials should be accepted and Mr Mead allowed a seat—it passed in the affirmative.

A petition signed Seth Warner, Robt Cockran Gideon Warren, Jesse Sawyer, Peleg Sunderland and Elathan Hubbel Jun<sup>r</sup> was read and Referred until tomorrow morning for further consideration.

Adjourned until 8 oClock tomorrow morning.

### THURSDAY June 21<sup>st</sup> 1781

Met according to adjournment.

*Ordered* That the Committee appointed to inspect the press and get the money printed agreeable to an Act of this Legislature past in April last be and they are hereby requested to make Report of their proceedings according to their appointment at 2 °Clock this afternoon.

*Resolved* That this Assembly will not grant any lands at present.

A petition signed Augustin Underhill was read and *ordered* that a Bill be brought in accordingly.

The Council sent back the Report of the Committee passed this House on the petition of Captains Frye Bayley and Nehemiah Lovell (Lovewell) “not concurred with”—Therefore,

*Resolved* That a Committee of three be appointed to confer with the Council (or a Committee appointed by them for that purpose) on the subject of said Report, and Report their Reasons for not concurring with the same—The members chosen Mr [Nathaniel] Prentice, Mr [Benjamin] Whipple and Mr [Gideon] Olin.

The petition signed Seth Warner Robert Cochran &c. which was referred until this morning for further consideration was again Read

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i. Moses Robinson and Joseph Bowker were members of the Council.

and Referred to a Committee of three to join a Committee from the Council to take the same under consideration and Report their opinion to this House—The members chosen M<sup>r</sup> [Nathaniel] Prentice, M<sup>r</sup> [Oliver] Ashley and M<sup>r</sup> E. Smith.

The Committee to whom was referred the petition of Nehemiah L. French brought in their Report which was read and dismissed.

The Committee appointed to enquire into the grounds of the Captain Generals orders for raising men on the east side of Connecticut River and what encouragement the persons were to have, brought in their Report which was read and accepted—and *ordered* that the said Committee bring in a Bill agreeable to said Report—M<sup>r</sup> [Benjamin] Giles Requested to be dismissed as one of said Committee—Granted—and M<sup>r</sup> M. Powell is hereby appointed to take his place in said Committee.

A petition signed by Samuel Beach was read and after some debate, was dismissed.

*Resolved* That a Committee of five to join a Committee from the Council be appointed to prepare a Bill for the trial of the title of Land—and make Report: The members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> E. Smith, M<sup>r</sup> [Davenport] Phelps, M<sup>r</sup> [William] Page and M<sup>r</sup> Brace<sup>1</sup>.

A petition signed John Warner was read and referred to a Committee of three to take the same under their consideration and Report their opinion to this House—The members chosen M<sup>r</sup> [Elijah] Frink, M<sup>r</sup> M. Powell & M<sup>r</sup> [Ebenezer] Curtiss.

Adjourned until 2 oClock afternoon.

Two oClock P. M.

Met according to adjournment.

WHEREAS this Assembly hath granted the prayer of the petition of Augustine Underhill praying for the confirmation of a deed of one full right of land in the township of Dorset number fifty six (being the original right of John Miller) which he had heretofore purchased of Nathaniel Finch and took an authenticated deed thereof under the hand and seal of the said Finch bearing date the 23<sup>d</sup> of November 1772.—and said Finch signer and sealer of said deed, and the witnesses John Platt and Samuel Harvey are since gone over and joined the Enemy of this and the United States, so that said deed cannot be acknowledged in any legal way heretofore prescribed by law—Therefore,

*Resolved* That the Land heretofore described viz. the original right of John Miller lying in the township of Dorset N° 56 be and is hereby confirmed unto the said Augustine Underhill in as full and ample a manner as if the signing and sealing of said deed had by the said Finch himself been acknowledged before some proper authority.

WHEREAS Abraham Underhill hath petitioned this Assembly for

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1. The records do not show that Jonathan Brace of Manchester was a member of the Legislature.—See Governor and Council, Vol. 3, p. 345.

the confirmation of a deed of all the undivided land belonging to the original right N<sup>o</sup> 47 in the township of Dorset which the said Abraham Underhill had heretofore purchased of Asa Alger and took of said Alger an authenticated deed of the same under the hand and seal of the said Asa Alger dated Jan<sup>y</sup> 13<sup>th</sup> 1770—And the said Alger signer and sealer of said deed is since deceased and the witnesses Joseph and Samuel Anderson are since deserted their country and joined the enemy of this and the United States so that said deed cannot be acknowledged in any legal way heretofore prescribed by Law. Therefore,

*Resolved* That the aforesaid land heretofore described be and it is hereby confirmed unto the said Abraham Underhill in as full and ample a manner as if the act and deed of the said Asa Alger had by himself been acknowledged in due form of Law.

*Resolved* That a Committee of three be appointed to bring in a Bill for laying a tax on the inhabitants in the Western District for working at Highways &c. the members chosen M<sup>r</sup> [John] Abbot, M<sup>r</sup> S. Robinson and M<sup>r</sup> [Stephen] Pearl.

*Resolved* to Reconsider the Resolution accepting the Report of the Committee on the petition of Capt. Frye Bayley and Capt. Nehemiah Lovell [Lovewell] and said petition is hereby dismissed.—

The Committee appointed to inspect the press for printing the Bills of Credit &c. made a verbal Report—And one Chaffee and the printers Boy were examined before this House by John Fassett and Paul Spooner Esq<sup>r</sup> Assis<sup>ts</sup> relating to Counterfeiting<sup>1</sup> the Bills of Credit of this State and they both owned the fact.

Adjourned until 8 oClock tomorrow morning.

### FRIDAY June 22<sup>d</sup> 1781

Met according to adjournment.

The House formed themselves into a Committee of the whole with the Governor and Council agreeable to their adjournment.

The Committee of the whole having adjourned the House formed and the Speaker resumed the Chair.

*Resolved* That a Committee of four to join a Committee from the Council be appointed to bring in a Bill agreeable to the Report of Committee appointed to arrange the business in the western district and make Report—The members chosen M<sup>r</sup> S. Robinson, M<sup>r</sup> [Phineas] Whiteside, M<sup>r</sup> [Joshua] Webb and M<sup>r</sup> [Matthew] Lyon.

A petition signed Jonathan Grout in behalf of the Inhabitants of Lunenburgh was read and referred to a Committee of three to join a Committee from the Council, and Report their opinion respecting the same to this House—The members chosen M<sup>r</sup> S. Robinson, M<sup>r</sup> [Josiah] Russell and M<sup>r</sup> [Elijah] Frink.

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1. Further details concerning the charge of counterfeiting may be found in Governor and Council, Vol. 2, pp. 103-104. Slade's Vermont State Papers, pp. 424-426, gives the text of the act authorizing an issue of bills.

*Resolved* That a Committee of five to join a Committee from the Council be appointed to take under consideration the paper Currency of this State, and Report their opinion to this House respecting the same—The members chosen M<sup>r</sup> [Ebenezer] Walbridge, M<sup>r</sup> [John] Strong, M<sup>r</sup> [Nathaniel] Prentice, M<sup>r</sup> [Oliver] Ashley and M<sup>r</sup> [William] Fitch.

*Resolved* That a Committee of three be appointed to make enquiry of the Board of War<sup>1</sup> the number of men ordered by them to be raised and where to be stationed &c. The members chosen, M<sup>r</sup> [Moses] Whipple, M<sup>r</sup> [Stephen] Pearl and M<sup>r</sup> [Samuel] King.

An Act Entitled “An Act for the purpose of empowering the inhabitants of the towns in this State to tax the lands in their respective towns for the making and repairing Highways”—was read, and *ordered* that a Committee of five be appointed to make such necessary alterations in said Act as they shall judge necessary and make Report—The members chosen M<sup>r</sup> [Stephen] Pearl, M<sup>r</sup> [Nathaniel] Prentice, M<sup>r</sup> [Gideon] Olin, M<sup>r</sup> [Matthew] Lyon and M<sup>r</sup> [Elisha] Barber.

An Act Entitled “An Act for altering a certain clause in an Act passed by the General Assembly at their Sessions in April 1781 in Respect to Probate Districts East of Connecticut River” was read, passed and sent up for concurrence.

Adjourned until 2 o’Clock afternoon.

Met according to adjournment.

An Act entitled “An Act to impower Heads of Classes<sup>2</sup> in the Western District to tax the members of their Class” was read passed and sent up for concurrence.

A petition signed Azariah Blancher Administrator on the Estate of Daniel Culver late of Castleton deceased, was read and withdrawn.

A petition signed Rob<sup>t</sup> Cochran and William Henry was read and dismissed.

*Resolved* That a Committee of three be appointed to make up a debenture for the present Session—The members chosen M<sup>r</sup> [Samuel] Bartlet, M<sup>r</sup> [William] Ward 2<sup>d</sup> and M<sup>r</sup> [Thomas] Rowley.

A petition signed James Treadaway Minister of the Gospel was read and dismissed.

The Committee to whom was referred the petition of John Warner Administrator on the estate of William Emons late of Manchester deceased brought in their Report which was read and accepted—And *ordered* that a Bill be brought in accordingly.

The House formed themselves into a Committee of the whole with the Governor and Council agreeable to their adjournment.

The Committee of the whole having dissolved the House formed and

1. Records of the Board of War for this period will be found in Governor and Council, Vol. 2, pp. 98-101, 109.

2. This act relating to military service may be found in Slade’s Vermont State Papers, pp. 434-435.

the Speaker resumed the Chair.

The Committee of the whole made the following Report of a Sub-Committee viz—

“To the Grand Committee consisting of Governor Council and Assembly

“Your Committee appointed to prepare a draught to send to Congress to inform them of the political situation of this State &c. Beg leave to Recommend,

“That an Annunciation of the late extention of the boundaries of this State with some of the capital reasons for such extention be transmitted to adjacent states.

“That three delegates be appointed to repair to Congress with full powers to propose to and receive from them terms for an union of this with the United States—and to transact any other matters at Congress which may be necessary for the welfare of this State—Such terms of Union or other treaty agreed on by them to be subject to the ratification of the Legislature of this State previous to their establishment—Such delegates to give Congress whatever information they may desire of the political situation of this State—And that they be vested with full and ample powers to take seats in Congress as Delegates from this State when terms of union shall be agreed on and ratified as before mentioned.

“Two delegates to be nominated by the members within the ancient limits of the state, and two by the members from each newly added territory. Which is humbly submitted by

JONAS FAY Ch<sup>m</sup>”

*Bennington June 22<sup>d</sup> 1781.*

“In Grand Committee June 22<sup>d</sup> 1781

“The aforesaid Report was read by paragraphs and approved—attest JOSEPH FAY Clerk”

The aforesaid Report was read and accepted.

*Resolved* that this House will proceed agreeable to the aforesaid Report to choose Delegates to wait on Congress &c.

Ordered, That the members of the Districts proceed immediately to bring in their nomination agreeable to said Report—And the following Nomination was returned by them viz—

MIDDLE DISTRICT	JONAS FAY IRA ALLEN	Esquires
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EASTERN DISTRICT	BEZALEEL WOODWARD ELISHA PAYNE	Esquires
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WESTERN DISTRICTS	JONAS FAY IRA ALLEN	Esquires
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The ballots being taken the Hon<sup>b</sup>le JONAS FAY and IRA ALLEN Esquires and BEZALEEL WOODWARD Esq<sup>r</sup> were Elected Delegates as aforesaid.

*Ordered* that Mr Smith be and is hereby desired to bring in a Bill for adjourning the County Court in the County of Rutland.

Adjourned until to morrow morning 8 o'Clock.

SATURDAY June 23<sup>d</sup> 1781

Met according to adjournment.

*Resolved* that a Committee of seven be appointed to attend the Committee appointed to make up the debenture and regulate the mileage as returned by the several members—The members chosen Mr [Samuel] King, Mr N. Robinson, Mr [William] Fitch, Mr [Jonathan] Freeman, Mr [Josiah] Russell and Mr [William] Ward 1<sup>st</sup>.

An Act entitled “An Act for regulating the trial of disputes respecting landed property” was read and *Ordered* to lie on the table for further consideration.

*Resolved* That a Committee of three to join a Committee from the Council be appointed to prepare the Annunciation to send the adjacent states; and make Report—The members chosen Mr [Bezaleel] Woodward, Mr [Matthew] Lyon and Mr [Phineas] Whiteside<sup>1</sup>.

*Resolved* That a Committee of five to join a Committee from the Council be appointed to prepare instructions for the members appointed to wait on Congress &c. and make Report—The members chosen Mr [Daniel] Jones, Mr [Davenport] Phelps, Mr [Benjamin] Giles, Mr [Ebenezer] Walbridge and Mr [Joshua] Webb.

A petition signed Isaac Clerk was read and *Ordered* to lie on the table.

A petition signed by a Committee of the tribe of Mocheakunnuck<sup>2</sup> Indians praying for a grant of a township of Land—was read and referred to a Committee of three to take the same under consideration and Report their opinion—The members chosen Mr [Davenport] Phelps, Mr [Benjamin] Giles and Mr [Gideon] Olin.

The Committee appointed to take under consideration the paper currency of this State brought in their Report which was read and *ordered* to lie on the table.

An Act Entitled An Act for adjourning the County Court for the County of Rutland” was read passed and sent up for concurrence.

Adjourned until 2 o'Clock afternoon.

TWO OCLOCK P. M.

Met according to adjournment.

*Resolved* that Beza Woodward Esq<sup>r</sup> be and is hereby dismissed as a member of the Committee appointed to audit and adjust public accounts—And that the former Committee appointed to nominate said

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1. This committee represented the original State of Vermont and the Eastern and Western Unions, Mr. Woodward being a resident of Dresden, (N. H.), and Mr. Whitiside a resident of Cambridge (N. Y.).

2. A reference to the Mohican Indians.—Governor and Council, Vol. 2, p. 128.

Committee of auditors &c. be directed to nominate one person in his room—The said Committee nominated Isaac Tichenor<sup>1</sup> Esq<sup>r</sup> who is hereby chosen and appointed as one of said Committee.

The Report of the Committee to whom was refered the consideration of the state of the paper currency" was again read and accepted—And ordered that a Committee of three be appointed to bring in a Bill agreeable to said Report—The members chosen M<sup>r</sup> S. Robinson, M<sup>r</sup> [William] Page and M<sup>r</sup> [Ebenezer] Walbridge.

An Act entitled "An Act to recover the Records for the County of Washington" was read, passed and sent up for concurrence.

An Act entitled "An Act for the more speedy completing the forces agreed upon to be raised for the defence of the frontiers of this State, by this Assembly at their Sessions at Windsor in April 1781 and for ascertaining the pay of said force so raised and of the time they are to be discharged" was read passed and sent up for concurrence.

*Resolved* that a Committee of three be appointed to join a Committee from the Council to prepare an Embargo Act—and make Report—The members chosen M<sup>r</sup> [Ebenezer] Curtiss, M<sup>r</sup> [Elihu] Hyde and M<sup>r</sup> A. Robinson.

*Resolved* That a Committee of three be appointed to run the south line of this State from the southwest corner of Pownal to Hudsons River—The members chosen M<sup>r</sup> S. Robinson, M<sup>r</sup> [Joseph] Caldwell and M<sup>r</sup> [Elisha] Barber.

The Committee to whom was refered the petition of the inhabitants of Lunenburgh brought in their Report which was read and dismissed; and ordered that said petition be refered until the second Thursday of the Assembly sitting in Oct<sup>r</sup> next.

Adjourned until monday morning 9 o'Clock.

MONDAY June 25<sup>th</sup> 1781

Met according to adjournment.

Roswell Hopkins Esq<sup>r</sup> Clerk of this Assembly informed this House by a letter that he could not attend the remainder of this Session by reason of lameness—Therefore

*Resolved* That BEZALEEL WOODWARD Esq<sup>r</sup> be and is hereby appointed Clerk Pro tempore.

WHEREAS the attendance of the hon<sup>ble</sup> Thos<sup>s</sup> Porter Esq<sup>r</sup> Speaker of this House being necessary with the Committee for signing the paper Currency—Therefore

*Resolved* that Col<sup>o</sup> SAMUEL ROBINSON be and is hereby appointed Speaker Protempore.

*Resolved* That M<sup>r</sup> [Edward] Harris be and is hereby appointed on the Committee to draw instructions for the Commissioners appointed

1. For biographical sketch of Isaac Tichenor see Governor and Council, Vol. 3, pp. 103-104.

to Audit public accounts in the room of M<sup>r</sup> [Ebenezer] Walbridge excused.

*Resolved* That a Committee of three to join a Committee from the Council be appointed to prepare a Bill for laying an embargo on exportations of provisions and empower the Governor to seize provisions for the use of the army—The members chosen Col<sup>o</sup> [John] Strong, M<sup>r</sup> [William] Page and M<sup>r</sup> [Samuel] Bartlet.

*Resolved* That M<sup>r</sup> [Elisha] Barber and M<sup>r</sup> Burnham<sup>i</sup> be and hereby are appointed on the Committee to prepare a Bill in respect to the paper currency in the place of M<sup>r</sup> S. Robinson and M<sup>r</sup> [Ebenezer] Walbridge excused.

*Resolved* that the Law be opened at this Session for the trial of the title of landed property.

*Resolved* That the Consideration of the petition of the inhabitants of Lunenburgh be resumed at this Session and that the petition lie on the table for further consideration.

An Act entitled “An Act for regulating the trial of disputes respecting landed property was read the second time and ordered to lie on the table.

Adjourned until 2 oClock afternoon.

TWO oClock P. M.

Met according to adjournment.

*Resolved* That M<sup>r</sup> Caldwell be and hereby is appointed on the Committee for preparing a Bill inform in respect to regulating the western territory lately received into union with this State, in the place of M<sup>r</sup> S. Robinson excused.

The petition of the inhabitants of Lunenburgh was read, and the subject debated Whereupon, *Resolved* That the prayer of the petition be granted, and that the petitioner have leave to bring in a bill for establishing the boundary therein mentioned.

The Act entitled “An Act for regulating the trial of disputes respecting landed property” was taken under consideration, and after debate was dismissed.

A petition signed Frye Bayley and Nehemiah Lovell [Lovewell] praying for allowance for depreciation of money on account of their time and expenses while prisoners in Canada A. D. 1778 was read and Refered to next Session.

*Resolved* That the Resolution of this House passed this day to open the trial of the title of Landed property at this Session be and hereby is repealed.

<sup>i.</sup> John Burnham (Burnam), of Shaftsbury does not appear to have been a member of the Legislature in 1781.

A petition signed Isaac Tichenor<sup>1</sup> late A. C. G. of Purchases for the States of New-Hampshire and Vermont praying for security of private property for him and his agents from debts contracted for the public was read, whereupon,

*Resolved* That a Committee of three to join a Committee from the Council to take into consideration the above mentioned petition and Report—The members chosen M<sup>r</sup> [Elisha] Barber, M<sup>r</sup> [Reuben] Jones and M<sup>r</sup> [William] Williams.

The Committee appointed to prepare instructions for the Delegates chosen to Repair to Congress made their Report, whereupon

*Resolved* That the Honorable JONAS FAY, IRA ALLEN and BEZALEEL WOODWARD Esquires be and hereby are appointed Delegates to repair to the American Congress with full powers to propose to and receive from them terms for an union of this with the United States and to transact any other matters at Congress which may be necessary for our welfare—such terms of union or other treaty agreed on by them to be subject to the ratification of the Legislature of this State previous to their establishment—Such Delegates to give Congress whatever information they may desire of our political situation—And that they be vested with full and ample power to take seats in Congress as Delegates from this State when terms of union shall be agreed on and ratified as before mentioned—And it is hereby further

*Resolved* That his Excellency the Governor be desired to commissionate the above named Jonas Fay Ira Allen and Bezaleel Woodward Esquires for the purposes above mentioned.

A petition signed Amos Huntington for an order on the Treasurer for £40, 4, 6 lawful money for losses and expenditures of prisoners, was read and refered to the next Session.

An Act entitled “An Act for laying an Embargo<sup>2</sup> to prevent the transportation of provisions out of this State” was read, passed and sent to the Governor and Council for their perusal and proposals of amendment.

Adjourned until tomorrow morning 8 o’Clock.

1. An act passed in June, 1781, indicates that Isaac Tichenor, Commissary of Purchases, and his assistants, had purchased supplies for the Continental Army in Vermont and New Hampshire to the amount of 65,184 pounds, 9 shillings and 5 pence, Continental money, and 1324 pounds, 14 shillings and 2 pence in specie value. They had given personal notes in payment and were unable to collect the money due. As Mr. Tichenor and his agents were in danger of financial ruin a bill was passed providing that every action brought against these men for supplies purchased should be stayed until the rising of the October session of the General Assembly unless the public money due should be paid before that time.—Slade’s Vermont State Papers, pp. 438-439.

2. In order that the Vermont troops might be properly supplied and that the inhabitants of the State should not be deprived of “necessary provision for their support,” it was provided that after July 8, 1781, no neat cattle, beef, pork, wheat, rye, Indian corn, wheat or rye flour or meal of any kind should be transported out of the State until the rising of the October session of the General Assembly. One exception was made. A permission signed by certain judicial officers would enable the sale of sufficient produce for the purchase of a family supply of salt.—Slade’s Vermont State Papers, pp. 452-454.

TUESDAY June 26<sup>th</sup> 1781

Met according to adjournment.

An entitled "An Act for the purpose of forming the Western Territory lately taken into union with this State into townships and for annexing it to the Counties of Bennington and Rutland" was read and recommitted.

*Resolved* that a Committee of five be appointed to join a Committee from the Council to prepare a Bill to direct a method for ascertaining the boundaries of the several townships in this State—The members chosen M<sup>r</sup> [John] Weld, M<sup>r</sup> [Benjamin] Giles, M<sup>r</sup> [Samuel] King, M<sup>r</sup> [William] Fitch and M<sup>r</sup> E. Smith.

A Report of the officers commanding on the frontiers having been laid before the house and a Committee appointed to confer with said officers on the subject, having made a verbal Report the subject of the Report of the said officers was taken under consideration and debated.

Adjourned until two o'clock afternoon.

TWO oClock P. M.

Met according to adjournment.

*Resolved* That Col<sup>o</sup> Warner and Capt. Lee be requested to give receipts only for such sums as they shall receive of this State towards depreciation of wages for their battallions without their assigning their being in full.

On motion of Doct<sup>r</sup> Fay.

*Ordered* That the doors be shut.

*Resolved* That a Committee of five to join a Committee from the Council be appointed to take into consideration the petitions from the Massachusetts line and Col<sup>o</sup> H. E. Lutterloh and associates and Report —The members chosen M<sup>r</sup> [John] Strong, M<sup>r</sup> [William] Page, M<sup>r</sup> [Edward] Harris, M<sup>r</sup> [Isaac] Wyman and M<sup>r</sup> [Ebenezer] Curtiss.

*Ordered* that the doors be opened.

An Act entitled "An Act for apprehending deserters from the Continental army and Returning them" was read, and refered to a Committee of three for amendment—the members Chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Nathaniel] Prentice and M<sup>r</sup> [William] Page.

An Act Entitled "An Act empowering the Administrators to the estate of Ephraim Seelye to sell part of the real estate of said Seelye" was read, passed & sent to the Governor and Council for perusal &c.

An Act entitled "An Act for the purpose of forming the western territory lately taken into union with this State into townships<sup>1</sup> and for annexing them to the Counties of Bennington and Rutland" was read passed and sent to the Governor and Council for perusal &c.

1. The text of an act fixing town and county boundaries for the Western Union, then recently annexed to Vermont, may be found in Slade's Vermont State Papers, pp. 430-431.

An Act entitled "An Act for forming the 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Regiments of militia within this State and annexing them to the first Brigade was read, passed & sent to the Governor and Council for their perusal &c.

An Act entitled "An Act directing the holding town-meetings in the Western territory &c." was read passed and sent to the Governor and Council for their perusal &c.

An Act entitled "An Act to prevent turning streams of water out of their natural course" was read passed and sent up for concurrence.

A petition signed Aaron Storrs was read and refered to a Committee of three to confer with the Surveyor General, and with his advice to draw a bill in form thereon—Members chosen M<sup>r</sup> [John] House, M<sup>r</sup> [John W.] Dana and M<sup>r</sup> [Elisha] Barber.

An Act entitled "An Act empowering Col<sup>o</sup> Sam<sup>l</sup> Robinson to give a deed of land &c." was read passed and sent to the Governor and Council for their perusal &c.

A petition signed James Story was read and refered to a Committee of three to take into consideration and make report at the next Session—Members chosen M<sup>r</sup> [Martin] Powell, M<sup>r</sup> [John] Strong and M<sup>r</sup> [Samuel] Bartlet.

An Act to discharge the town of Thomlinson<sup>1</sup> [Grafton] in the County of Windham from raising their quota of the provision tax was read passed and sent to the Governor and Council for their perusal &c.

An Act for detecting and discouraging desertion<sup>2</sup> was read, passed and sent to the Governor and Council for their perusal &c.

An Act to audit and liquidate all public accounts within this State was read passed and sent to the Governor and Council for their perusal &c.

The Governor and Council having proposed that the "Act" passed this day "to prevent turning streams of water out of their natural course" be refered to the next Session—the question was put whither the said Act be refered; and it passed in the negative—The said Act was then read the 3<sup>d</sup> time and Enacted into a Law of this State.

A petition signed Archibald Campbell and William Cockbourn was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration and Report.

WHEREAS some towns in this State who have a Right to choose two members to attend the General Assembly have chosen two with a view of having only one of them attend at a time—which choice by Aug-

1. According to the text of this act Thomlinson was discharged from raising its quota of the provision tax because it was "but thinly inhabited, and (its people) new beginners, not having as yet so far cultivated their lands as to be in a capacity to pay their quota of provisions, so enjoined them; neither have they raised any for their families, (only one excepted, who has raised but a bare sufficiency), but are necessitated to have recourse to others for their assistance."—Slade's Vermont State Papers, p. 438.

2. Any deserter from the State troops or any person in Vermont who should "harbor, conceal or endeavor to rescue" any deserter from the Continental service was liable to a fine not to exceed twenty pounds.

menting the number of the whole augments the number of the quorum—and by such members not attending difficulties may arise about a quorum at times of adjournment. Wherefore;

*Resolved* that it be and hereby is recommended to such towns to choose no more members in future than they mean and intend to have constantly attend on said Assembly—

A petition signed Ira Allen was read and referred to a Committee of three to take into consideration and Report—The members chosen M<sup>r</sup> [Nathaniel Prentice] Prentiss, M<sup>r</sup> [Joshua] Webb and M<sup>r</sup> [Elihu] Hyde.

*Resolved* That a Committee of eight be appointed to name the towns in this State to be assessed for their proportion of a land tax agreeable to an Act passed the last Sessions. The members chosen M<sup>r</sup> [Matthew] Lyon, M<sup>r</sup> [Isaac] Wyman, M<sup>r</sup> [William] Ward 2<sup>d</sup> M<sup>r</sup> [Jonathan] Freeman M<sup>r</sup> [Timothy] Bartholomew, M<sup>r</sup> [Oliver] Ashley, M<sup>r</sup> [Wolston] Brockway and M<sup>r</sup> [Phineas] Whiteside.

Adjourned until tomorrow morning 8 oClock.

WEDNESDAY June 27<sup>th</sup> 1781.

Met according to adjournment.

The Act for empowering Col<sup>o</sup> Samuel Robinson to give a deed of Land &c. passed yesterday is reconsidered and repealed—And ordered that the said petitioner be directed to serve the said John Blakeledge Emons with a copy of the petition and notice to appear at the next Session of Assembly and shew cause if any he has why the prayer thereof may not be granted.

*Resolved* That it be recommended to the board of war to order about one hundred men to be stationed at the garrison at Pittsford<sup>1</sup> for the support of it.

The Committee on the petition of Aaron Storrs made report whereupon the following Resolution was passed viz.

WHEREAS it appears that there is a gore or parcel of Land six miles in length and about half mile in width lying between the township of Bethel and Randolph which is not included in either of those townships as granted by the General Assembly, and as it appears that the Number of Proprietors in the township of Randolph was increased to the number of sixty eight which was more than the usual number of grantees to a township six miles square; and as the proprietors of said Randolph<sup>2</sup> have been at considerable expence in the allotment and improvements on said tract—Therefore,

1. A committee consisting of Roger Enos, Samuel Fletcher, Samuel Herrick and Gideon Ormsby had recommended to the Board of War that the garrisons at Pittsford ought to be removed from the vicinity of Sutherland's Mills to "such particular spot as Colonel Fletcher shall direct."—Governor and Council, Vol. 2, p. 109.

2. See State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 162-163, 338 for references to Randolph.

*Resolved* That the said tract of six miles in length and half a mile in width lying between Bethel and Randolph be and hereby is granted unto the said Aaron Storrs and Associates under the same restrictions and reservations as the said township of Randolph was granted; and that the said Aaron Storrs be and hereby is directed to add three more proprietors to the said number of sixty eight proprietors or Associates that the said Associates may be advanced to the number of seventy one in said township on which three Rights are to be paid the same charter fees as on the other rights and the Governor and Council are hereby directed to issue a grant or charter of Incorporation of Randolph so as to include the said tract unto the said Aaron Storrs and Company being seventy-one in number—The said township of Randolph to be bounded as follows viz—beginning at the northwest corner of Tunbridge thence running N. 61<sup>d</sup> W. six miles—Thence S. 36<sup>d</sup> W. about six miles and half to the northwest corner of Bethel and abutting Southerly on Bethel and Easterly on Tunbridge.

*Resolved* That those persons who have in their possession fortunate tickets in the Lottery<sup>1</sup> of this State be enabled to receive the sums of money to which they are respectively intitled by said tickets at the rate of one for seventy two.

The Committee to whom was refered the petition of William Cockburn and Archabald Campbell brought in the following Report viz.

“That it is our opinion that said petition be refered to the next Session of the General Assembly, that all parties concerned may have a fair hearing; and that his Excellency the Governor be requested to stay the giving out the Charter of the Gore of Land described in said petition until the rising of the General Assembly in Oct<sup>r</sup> next.

by order of Committee

PAUL SPOONER Chair<sup>m</sup>”

The above Report was read and passed into a Resolution of Assembly.

An Act to suspend prosecutions against Isaac Tichenor Esq<sup>r</sup> late Commissary of purchases, for public purposes till the rising of the Assembly in October next—was read passed and sent to the Governor and Council for their perusal &c.

*Resolved* That the Resolution of this House passed the 23<sup>d</sup> instant for accepting the Report of the Committee on the present State of the paper Currency—be and is hereby reconsidered, and that the consideration thereof be recommitted.

Adjourned until 2 o’Clock afternoon.

Met according to adjournment.

An Annunciation of the extention of the boundaries of this State—was read and agreed to.

The Committee on the petition of the hon<sup>b1e</sup> Ira Allen Esq<sup>r</sup>

1. References to lotteries will be found on pp. 55, 63-64, and 92. The “rate of one for seventy-two” represents the ratio between hard money and Continental currency.

Treasurer brought in the following Report viz.

"That it is our opinion the Treasurer be directed to settle with the Auditors appointed to settle public accounts as the Law of this State directs.

JOHN FASSETT for Com<sup>ttee</sup>"

The aforesaid Report was read and accepted.

*Ordered*, That his Excellency the Governor be desired to transmit copies of the annunciation<sup>1</sup> to all the United States.

An Act to prevent the transportation of provisions out of this State—was read passed and sent to the Governor and Council for their perusal &c.

*Resolved* That Col<sup>o</sup> [William] Williams, M<sup>r</sup> [Jonathan] Underwood and M<sup>r</sup> [Edward] Harris be and hereby are appointed a Committee to examine into the procedures of the Committee appointed to make the road from Wilmington to Bennington and make Report at the next Session.

*Resolved* that there be and hereby is granted unto Col<sup>o</sup> Henry Emmanuel Lutterloh, Major Thomas Coggeswell and their associates to the number of sixty five officers and soldiers now in the Continental army a township of land within this State containing the contents of six miles square to be located in some unappropriated part of this State by the name of LUTTERLOH<sup>2</sup>; [Albany] and the Governor and Council are hereby requested to issue their order of location to the said Lutterloh, Cogeswell and Company to locate the same in some suitable unappropriated part of this State and when such location is made and certified by the Surveyor General of this State that a Charter of Incorporation be granted under such restrictions, regulations and reservations as they shall judge best.

*Resolved* That there be and hereby is granted unto Generals John Glover, John Patterson and Company to the number of sixty five officers and soldiers of the Massachusetts line in the Continental Army, a township of land within this State containing the contents of six miles square, to be located in some unappropriated part of this State by the name of

1. Governor Chittenden issued a proclamation, July 18, 1781, concerning the annexation of certain New York townships (the Western Union), giving as a reason the assertion that "the Government of New York, for a number of years, have been very deficient in succoring, defending or protecting the citizens inhabiting the said claimed territory, and of late have wholly abandoned them to the ravages of the common enemy." He further asserted that "for several years last past" Vermont had been the "main Support and Protection" of these towns. For the text of this proclamation see Governor and Council, Vol. 2, pp. 307-308.

2. Colonel Lutterloh was a New York officer who held the position of Deputy Quartermaster General. Major Cogswell was a Massachusetts officer who afterward resided in New Hampshire. The name Lutterloh was changed to Albany in 1815. The charter of Lutterloh is found in State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 128-129. Other references may be found, pp. 250-251, under Albany, and in Governor and Council, Vol. 2, p. 110.

GLOVER<sup>1</sup>.—And the Governor and Council are hereby requested to issue their order of location to the said Glover, Patterson and their associates to locate the same in some suitable unappropriated part of this State—And when such location is made and Certified by the Surveyor General of this State a charter of incorporation be granted under such restrictions, regulations and Reservations as they shall judge best.

An Act in addition to “an Act intitled an Act for the purpose of emmitting a sum of money and directing the redemption of the same was read passed and sent to the Governor and Council for their perusal and proposals of amendment.

An Act for establishing and confirming the several bills of credit of this State and providing for the redemption of part of the same was read passed and sent to the Governor and Council for their perusal &c.

*Resolved* That the delegates appointed to repair to the American Congress<sup>2</sup> be and they are hereby directed to set off on the business of their appointment by the first day of August next.

*Resolved* that the Secretary be and is hereby directed to deliver to Nath<sup>1</sup> Robinson and Edward Harris Esq<sup>rs</sup> attested copies of all acts which have not been printed and that the said Robinson and Harris be desired to see that a sufficient number to supply the several towns be printed and transmitted in due proportion to the several Sheriffs of the Counties in this State as soon as may be as also any Resolves passed at this Session which are necessary to be published.

*Resolved* that there be and hereby are appointed two shire towns in the County of Bennington and that the town of Bennington be and hereby is appointed one of the Shire towns in the said County.

Adjourned until tomorrow morning seven o'clock.

1. The township of Glover was chartered to Gen. John Glover and sixty-two associates, State Papers of Vermont, Vol. 2 (Vermont Charters), pp. 78-79, 296. General Glover was a Massachusetts officer who was in the service from the beginning of the war until 1780. He participated in the capture of General Burgoyne.—Governor and Council, Vol. 2, p. 111.

2. President Weare of New Hampshire, on June 20, 1784, had protested against “the amazing unexpected delay” of Congress in taking up the dispute over the New Hampshire Grants and expressed the fear that his State would soon be ruined. The claim of Massachusetts upon Vermont territory had been relinquished and one report indicates that a recommendation had been made to New York and New Hampshire to relinquish their claims upon Vermont. An attempt had been made in Congress to investigate an intercepted dispatch from Lord George Germaine to Sir Henry Clinton concerning negotiations between Vermont and Canada. Ira Allen declared (Vermont Historical Society Collections, Vol. 1, p. 429), that this intercepted dispatch “had greater influence on the wisdom and virtue of Congress than all the exertions of Vermont taking Ticonderoga, Crown Point and the two divisions from General Burgoyne’s army (at Bennington) or their petition to be admitted as a State in the general confederation, and offers to pay their proportion of the expenses of the war.”

A memorial of the New York delegates in opposition to the Vermont policy and claims was presented to Congress, Aug. 3, 1781. Five days later (Aug. 8) Congress elected a committee of five, Messrs. Boudinot of New Jersey, Vandyke of Delaware, Carroll of Maryland, Montgomery of Pennsylvania and Randolph of Virginia, to confer with the Vermont representatives, Jonas Fay, Ira Allen and Bezaleel Woodward. The Vermont delegates submitted a letter to this committee mentioned, dated Aug. 14, 1781, asking for

THURSDAY June 28<sup>th</sup> 1781

Met according to adjournment.

*Resolved* That Jonas Fay, Ira Allen and Bezaleel Woodward Esquires appointed Delegates to repair to Congress be impowered to draw on the Treasurer of this State for such sum or sums of money as may be necessary to enable them to discharge their commission to Congress agreeable to the orders of this House—And that an order on the Treasurer issue accordingly signed by his Excellency the Governor and that they be accountable for such sum as they shall receive.

The Committee appointed to prepare a Bill to direct a method for ascertaining the boundaries of the several townships in this State informed the House that a Report could not be prepared this Session—Whereupon *Ordered* That said Committee be dismissed.

Information being given that M<sup>r</sup> [John] Abbot<sup>1</sup> a member of this House has exchanged the Bills of credit of this State for hard money at a discount of one fourth—The said Abbot confessed the fact alleged—And on the question being put by order of the House, whether the person who made the exchange with him is a member of this House? he answered in the affirmative—The said Abbot being then required to name the member—M<sup>r</sup> [Daniel] Martin<sup>2</sup> a member of the House Replied that he was not ashamed to own himself to be the person; and that he had made exchange with said Abbot of hard money for bills of credit of this State at a discount Whereupon

*Ordered* that M<sup>r</sup> [Matthew] Lyon be desired to draw and lay an impeachment against them before this House therefor which was accordingly done.

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1. Captain Abbot represented Hoosack, one of the towns of the Western Union.
2. Mr. Martin represented the town of Putney.

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recognition as an independent State, and that in the hearing of disputes over the territory claimed Vermont had the same rights as the other States interested. Congress, on Aug. 17, directed its committee to confer with the Vermont delegates. The questions and answers show that Vermont at that time contained about 30,000 inhabitants and could put about 7,000 militia in the field. On Aug. 20, 1781, Congress voted, with only the New York members opposing, that an indispensable preliminary to the recognition of the independence of the State and admission to the Union, was the relinquishment of jurisdiction over lands annexed from New York and New Hampshire. A committee was appointed to agree with Vermont concerning boundaries. The Connecticut River was agreed upon as the eastern line but there was much controversy over the western line. Finally Ira Allen “drew an abstruse line,” gave it to Roger Sherman of Connecticut, and asked him to introduce it as his own. This Mr. Sherman did and the plan was accepted. It is said to have added to Vermont’s original claim the towns of Fair Haven, Benson and the islands of Grand Isle County. It was Allen’s opinion that had Vermont described Pawlet River instead of Poultney River as a boundary line it would have been accepted and more land would have been added to the State.

James Madison, writing Aug. 14, 1781 (Madison Papers, Vol. 1, p. 96), refers to the Vermont dispute, saying that New York and New Hampshire despaired of obtaining jurisdiction, and mentions “the latent support afford them (the Vermonters) by the leading people of the New England States.”—Governor and Council, Vol. 2, pp. 308-320.

The impeachment being read the said Abbot and Martin confessed the fact alledged against them therein—and they having been heard before the House, were directed to withdraw—which they accordingly did—The House then entered on the consideration of the case and after debate;

*Resolved* That the said Martin be and hereby is expelled from being a member of this House for the crime of which he stands accused in the impeachment before mentioned, and of which he stands convicted by his own confession.

*Resolved* That the said Abbot receive a public reprimand from the Chair for the crime above mentioned—

And the Reprimand was accordingly given.

An Act for dividing the County of Bennington into two distinct shires and ascertaining the same was read passed and sent to the Governor and Council for their perusal.

M<sup>r</sup> Martin who was expelled the House this day appeared before the House and made a public recantation for the crime for which he was expelled, and evidenced signs of sorrow and Repentance— Whereupon *Resolved* That the said Martin be and hereby is restored his seat as a member of this House.

The Debenture of the House was read and passed and the Treasurer directed to pay to the several members the sums annexed to their respective names.

*Resolved* That the Speaker be allowed three shillings per day in addition to his wages as Representative.

*Resolved* That the Clerk be allowed nine shillings per day for his Service this Session and six shillings per day for two Sundays.

*Resolved* That the thanks of this House be rendered to the Speaker for his good services in that station.

*Resolved* That the Treasurer be and hereby is directed to pay to Capt. Parmerlee [Parmalee] Allen<sup>1</sup> four pounds lawful money advanced pay for two months wages for each non-commissioned officer and soldier he shall enlist and have mustered in his Company, raising for defence of the frontiers of this State and That the said Capt. Allen be and is hereby directed to pay the same to the said officers and soldiers respectively and that the said officers and soldiers be made accountable for the said two months pay.

Adjourned until 2 o'Clock afternoon.

TWO o'Clock P. M.

Met according to adjournment.

An Act for making the Laws of this State temporary<sup>2</sup> &c. till the

1. The records of the Board of War for 1780 show that Capt. Parmelee Allen was named as Captain of one of three companies of Rangers authorized for the defence of the frontiers.—Governor and Council, Vol. 2, p. 35.

2. For the text of this act see Slade's Vermont State Papers, p. 439.

rising of the Assembly in October next, was read, passed and sent to the Governor and Council for their perusal &c.

*Resolved* That the Rev'd Mr Olcott of Charlestown be desired to preach the Election sermon in October next—And that Mr Gay of Hinsdale be desired to preach at that time in case of the failure of Mr Olcott.

*Resolved* That Mr [William] Page and Mr [Samuel] Wetherbee be a Committee to request Mr Olcott to preach the next Election sermon.

*Resolved* that Mr [Daniel] Jones and Mr [Arad] Hunt be a Committee to request Mr Gay of Hinsdale to preach the next Election sermon in case of the failure of Mr Olcott.

*Resolved* That a Committee of two be appointed to wait on the Reverend Mr Avery and Return him the thanks of this House for his services during this Session.

*Resolved* That the General Assembly be held at Charlestown on the second Thursday in October next.

The House was then adjourned without day.

Attest

BEZA WOODWARD, Clerk.

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